

ESTTA Tracking number: **ESTTA743491**

Filing date: **04/29/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91220510
Party	Plaintiff EIR NYC LLC
Correspondence Address	LUKE W DEMARTE MICHAEL BEST & FRIEDRICH LLP 180 N STETSON, SUITE 2000 CHICAGO, IL 60601 UNITED STATES lwdemarte@michaelbest.com
Submission	Motion for Summary Judgment
Filer's Name	Luke W. DeMarte
Filer's e-mail	lwdemarte@michaelbest.com
Signature	/luke w demarte/
Date	04/29/2016
Attachments	18994447_EIR_NYC_Motion_for_Summary_Judgment_with_Appendices_-_part_1.PDF(2109631 bytes ) 18994449_EIR_NYC_Motion_for_Summary_Judgment_with_Appendices_-_part_2.PDF(4967200 bytes ) 18994451_EIR_NYC_Motion_for_Summary_Judgment_with_Appendices_-_part_3.PDF(2384728 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EIR NYC LLC,

Opposer,

v.

Jason Coleman and Jason Anfield,

Applicants.

Opposition No. 91220510

Serial No.: 86/335393

Mark: SURF MUD

**OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

EIR NYC LLC ("Opposer") hereby moves the Trademark Trial and Appeal Board (the "Board") pursuant to Fed. R. Civ. P. 56 for summary judgment to deny the application of Jason Coleman and Jason Anfield ("Applicants") to register the mark SURF MUD.

Petitioner also requests that, pursuant to 37 § C.F.R. 2.127(d), the Board suspend this proceeding pending the determination of this Motion. In the event the Board denies this Motion, Petitioner hereby requests that the remaining testimony periods be reset.

**I. FACTS**

Opposer has used the mark SURF MUD for a preparation to help moisturize and shield skin from the damaging effects of the sun's rays since 2012. Subsequent to Opposer's use of its SURF MUD mark, Applicants filed an application to register the mark SURF MUD for sunscreen and other goods which are highly related to sunscreen. To the extent Applicants have used the SURF MUD mark, such use occurred after Applicants' filing date. There is no question that the parties' marks are identical and that their respective goods are either the same or highly related. The parties are in agreement as to priority being the sole issue in this case. As the Board Interlocutory Attorney stated in her report of April 10, 2015, "Inasmuch as the marks are

identical and the goods and services are related, the parties agreed that thus proceeding likely will turn on the single issue of priority.” Because Petitioner has standing to bring this Opposition, the parties’ marks are confusingly similar, and Opposer’s use of SURF MUD predates all dates on which Applicants can rely, Applicants’ application to register SURF MUD should be denied.

**A. Applicants’ SURF MUD Application**

Applicants filed an application with the USPTO to register the mark SURF MUD in connection with “Concealers for skin, face and body; Cosmetic preparations for protecting the skin from the sun's rays; Cosmetic sun-protecting preparations; Cosmetic sunscreen preparations; Waterproof sunscreen,” Serial No 86/335393 (“Applicants’ Application”). Applicants’ Application was filed on July 12, 2014. It was filed on an intent to use basis. A true and correct copy of Applicants’ Application is attached as Appendix A.

Applicants claim that they first used the mark SURF MUD in the U.S. on July 23, 2014, and in commerce in the U.S. on November 15, 2014. Applicants Jason Coleman and Jason Anfield’s Combined Responses to Opposer EIR NYC LLC’s First Set of Written Discovery (“Applicants’ Int. Resps.”), Interrogatory Response 3, Appendix B. Accordingly, the earliest date on which Applicants can rely in this proceeding is July 12, 2014, the filing date of Applicants’ Application.

**B. Opposer’s Prior Use of SURF MUD**

In 2012, Opposer’s predecessor in interest Jun Lee began developing a new skin care product: a non-medicated, water-resistant preparation to help moisturize and shield skin from the damaging effects of the sun’s ultraviolet rays. Declaration of Jun Lee (“Lee Decl.”) ¶ 6, Appendix C. Ms. Lee finalized the formulation for this product in or around July 2012. Lee

Decl. ¶ 8. Promptly thereafter, she gave samples of this product to people she knew in packages labeled with the SURF MUD trademark (the “SURF MUD Goods”). Lee Decl. ¶ 9. Receiving a positive response, Ms. Lee began making and marketing the SURF MUD Goods in late 2012. Lee Decl. ¶ 10. Sales of the SURF MUD Goods occurred at least as early as December 1, 2012, and have continued since. Lee Decl. ¶¶ 11 and 12.

Opposer was legally formed on June 28, 2013, at which time Ms. Lee assigned all of her right, title and interest in and to the SURF MUD trademark (including without limitation the goodwill therein) to Opposer. Lee Decl. ¶ 13. Ms. Lee is Opposer’s founder and President. Lee Decl. ¶ 1.

Prior to July 12, 2014, the SURF MUD Goods had been sold to consumers in New York, Louisiana, Vermont, California, Hawaii, Pennsylvania, Florida, Texas, Massachusetts, Montana, South Carolina, Illinois, Washington, D.C., Nevada and New Jersey. Lee Decl. ¶ 12, Exhibit 1 (see invoices labeled EIR00006-00030 and EIR00101-00113 for SURF MUD Goods sold prior to July 12, 2014).

Prior to July 12, 2014 and thereafter, Opposer and its predecessor in interest sold the SURF MUD Goods online direct to consumers. Lee Decl. ¶ 15. Opposer sold its SURF MUD Goods in an online store at Etsy.com through approximately January 1, 2014, and began selling the SURF MUD Goods at its own website at [www.eirnyc.com](http://www.eirnyc.com) on or around January 1, 2014. Lee Decl. ¶¶ 16 and 17.

Prior to July 12, 2014 and thereafter, Opposer and its predecessor in interest sold the SURF MUD Goods online through retailers. Lee Decl. ¶ 15. In connection with Opposer’s marketing and sales efforts for the SURF MUD Goods, Opposer distributes brochures and other sales materials bearing the SURF MUD mark to retailers. Lee Decl. ¶ 19.



Prior to July 12, 2014, Opposer's SURF MUD Goods received significant national publicity. Opposer's SURF MUD Goods were praised in an unsolicited article in the Wall Street Journal on June 6, 2014, and again received national publicity in an unsolicited article in the Los Angeles Times on June 22, 2014 which included a prominent photo of the SURF MUD Goods. Lee Decl. ¶¶ 20 and 21. The SURF MUD Goods were also featured in online articles before July 12, 2014. Lee Decl. ¶ 23.

Opposer's predecessor in interest began promoting the SURF MUD Goods in social media in late 2012 and Opposer continues to use Facebook and Instagram to promote the SURF MUD Goods. Lee Decl. ¶ 22.

Opposer filed an application to register SURF MUD for "Non-medicated skin care preparations" in class 3 on January 6, 2015. This application is pending as Serial No. 86496296 ("Opposer's Application"). Appendix D.

The sole issue presented by this Motion is whether Applicants' Application for the mark SURF MUD should be refused in view of Opposer's prior and continuous use in the United States of the mark SURF MUD for goods which are identical or highly related to the goods set forth in Applicants' Application.

## **II. ARGUMENT**

### **A. Summary Judgment Standard**

A motion for summary judgment is a pretrial device intended to save the time and expense of a full trial when the moving party is able to demonstrate, prior to trial, that there is no genuine dispute of material fact and that the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986). A factual dispute is genuine if a reasonable fact finder viewing the entire record could resolve the dispute

in favor of the non-moving party. *Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542, 1544 (Fed. Cir. 1992).

A party seeking summary judgment bears the initial burden of demonstrating the absence of genuine disputes of material fact and identifying supportive portions of the record. *Celotex Corp.*, 477 at 323. When the moving party's motion is supported by sufficient evidence the burden shifts to the non-moving party to demonstrate specific genuinely disputed facts which must be resolved at trial. *Id.* The non-moving party may not rest on mere allegations in its pleadings and assertions of counsel, but must designate specific portions of the record, or produce additional affidavit evidence, showing the existence of a genuine dispute of material fact for trial. *Id.*

Evidence that can support a summary judgment motion include documents, affidavits or declarations, stipulations, admissions, interrogatory answers, or other materials. Fed. R. Civ. P. 56(c); Trademark Trial and Appeal Board Manual of Procedure ("TBMP") § 528.05(a)(1). These materials need not be submitted under a notice of reliance. *Id.* They may be submitted as attachments or exhibits to a brief or affidavit in support of the motion. *Id.*

To prevail in this Opposition, Opposer must establish that there is no genuine dispute that: (1) it has standing to maintain this proceeding; (2) it is the prior user of its pleaded mark; and (3) contemporaneous use of the parties' respective marks on their respective goods would be likely to cause confusion, mistake or to deceive consumers. *Hornblower & Weeks, Inc. v. Hornblower & Weeks, Inc.*, 60 USPQ2d 1733, 1735 (TTAB 2001).

In this Opposition, there are no genuine issues of material fact as to Opposer's standing, Opposer's prior rights in its SURF MUD mark, or as to the likelihood of confusion created by Applicants' SURF MUD mark. Applicants cannot establish that their rights in the mark shown

in Applicants' Application predate those of Opposer's SURF MUD mark. The presentation of more evidence beyond what is already available in connection with this Motion could not reasonably be expected to change the conclusion that Opposer has senior rights in SURF MUD and that Applicants are not entitled to a registration for the same mark. Opposer is therefore entitled to judgment as a matter of law.

**B. Opposer Has Standing to Bring the Present Opposition Proceeding**

Opposer has standing to oppose the registration of Applicants' Application because Opposer has a "real interest" in the proceedings, and a reasonable basis for the belief of damage. Ritchie v. Simpson, 50 USPQ2d 1023, 1025-26 (Fed. Cir. 1999). Opposer will be damaged if Applicants' Application matures to a registration. Such a registration would act as a cloud on Opposer's legal right to use its SURF MUD mark, notwithstanding Opposer's prior and superior rights. Moreover, the registration of Applicants' mark will also prevent the registration of Opposer's SURF MUD mark.

Indeed, the USPTO has already refused registration of Opposer's Application under Section 2(d) of the Trademark Act based on an alleged likelihood of confusion with the mark shown in Applicants' Application. True and correct copies of the office action and subsequent suspension notice received by Opposer from the USPTO are attached as Appendix E and Appendix F, respectively. Such refusal to register further evidences Opposer's standing to bring this proceeding. TBMP § 309.09(b); see, e.g., *Saddlesprings Inc. v Mad Croc Brands Inc.*, 104 USPQ2d 1948, 1950 (TTAB 2012) (standing adequately alleged by allegation that petitioner's application has been refused based on respondent's registrations).

There is no genuine issue of material fact concerning Opposer's standing to bring this Opposition.

**C. Opposer Has Priority**

To demonstrate its priority, Opposer must prove that it obtained a proprietary interest in its pleaded SURF MUD mark before any use date on which Applicants can rely. Trademark Act § 2, 15 U.S.C. §1052 (to establish priority on a likelihood of confusion claim brought under Trademark Act § 2(d), a party must prove that, *vis-a-vis* the other party, it owns “a mark or trade name previously used in the United States ... and not abandoned...”); *Herbko International Inc. v. Kappa Books Inc.*, 308 F.3d 1156, 64 USPQ2d 1375, 1378 (Fed. Cir. 2002); *Otto Roth & Co. v. Universal Foods Corp.*, 640 F.2d 1317, 209 USPQ 40 (CCPA 1981); *Weatherford/Lamb, Inc. v. C&J Energy Services, Inc.*, 96 USPQ2d 1834 (TTAB 2010) (“in order for petitioner to establish priority and ultimately prevail in this proceeding, it must demonstrate that it used its pleaded mark ... in commerce prior to respondent’s priority date”). “[O]pposer must prove by a preponderance of the evidence that its common law rights were acquired before any date upon which applicant may rely.” *Embarcadero Techs. V. RStudio, Inc.*, 105 USPQ2d 1825, 1834 (TTAB 2013), citing Trademark Act § 2, 15 U.S.C. §1052; *Hydro-Dynamics Inc. v. George Putnam & Company Inc.*, 811 F.2d 1470, 1USPQ2d 1772, 1773 (Fed. Cir. 1987).

Opposer has priority over Applicants, having first used the mark SURF MUD as early as 2012. The filing date of Applicants’ Application is July 12, 2014. Applicants have not alleged any use of their SURF MUD mark in the U.S. prior to such date, as supported by Applicants’ interrogatory responses. Applicants’ Int. Resps., Interrogatory Response 3, Appendix B.

Opposer and its predecessor in interest have continuously sold the SURF MUD Goods to U.S. consumers since at least as early as 2012. Lee Decl. ¶ 11. As corroborating evidence of Opposer’s trademark use, Opposer is providing copies of invoices issued to U.S. consumers before Applicant’s earliest possible priority date (July 12, 2014) that show Opposer’s sale of its

SURF MUD non-medicated skincare preparations. Lee Decl. ¶ 12, Exhibit 1. SURF MUD appeared on packaging for the goods identified in those invoices. *Id.* at ¶ 12. This trademark use supports Opposer's priority. *Fram Track Indus., Inc. v. WireTracks, LLC*, 77 USPQ2d 2000 (TTAB 2006) (invoices and statement under oath that the product packaging included a label bearing the mark supported priority).

The quantity of SURF MUD product sales which occurred before Applicants' earliest possible priority date is more than enough to establish priority since even a single sale will suffice. *Barnhardt Manufacturing Company v. Wildwood Gin, Inc.*, Cancellation No. 92053237 (June 17, 2013) [not precedential].

A party is only required to show prior use, not continuous use of its mark, to establish priority unless the other party asserted an abandonment claim. *West Florida Seafood Inc. v. Jet Restaurants Inc.*, 31 F.3d 1122, 31 USPQ2d 1660 (Fed. Cir. 1994). Applicants did not assert abandonment in this case, and in any event, Opposer's use of SURF MUD has been continuous as demonstrated by the invoices attached as part of Jun Lee's declaration.

Since Petitioner's use of its SURF MUD mark predates both the filing date of Applicants' Application and Applicants' claimed first use date of the mark SURF MUD, Opposer has priority. Applicants have not produced, and cannot now produce, any evidence to establish Applicants' priority. Accordingly, there is no genuine issue of material fact concerning Opposer's priority.

**D. Applicants' Mark is Likely to be Confused With Opposer's Mark**

The Board determines "likelihood of confusion by focusing on ... whether the purchasing public would mistakenly assume that the applicant's goods originate from the same source as, or are associated with," opposer's goods. *In re Majestic Distilling Co., Inc.*, 315 F.3d 1311, 65

USPQ2d 1201, 1203 (Fed. Cir. 2003). To that end, the Board analyzes all probative facts in evidence which are relevant to the likelihood of confusion factors set forth in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). “[N]ot all the factors are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record.” *Embarcadero Techs.*, 105 USPQ2d at 1835 (TTAB 2013), citing *Citigroup Inc. v. Capitol City Bank Grp.*, 637 F.3d 1344, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011). The similarities between the parties’ marks and the similarities between the parties’ goods are key considerations in the likelihood of confusion analysis. See, e.g., *In re Dixie Restaurants, Inc.*, 105 F.3d 1405, 1407 (Fed. Cir. 1997) and *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976). The parties’ marks are identical, their goods are identical or highly related and travel in the same trade channels. Additionally, there has been at least one instance of actual confusion between the parties’ marks.

1. Similarity of the Marks

The similarity of the marks, including appearance, sound, connotation, and commercial impression, is a “predominant inquiry.” *Herbko Intern., Inc.*, 308 F.3d at 1165 (Fed. Cir. 2002). In this case, the parties’ marks are identical. Opposer’s mark is SURF MUD. Applicants’ mark is SURF MUD. There is no rational basis on which the parties marks can be distinguished on the basis of appearance, sound, connotation, or commercial impression. This point is not and cannot be in dispute.

2. Relatedness of the Goods

“If the marks of the respective parties are identical or virtually identical, the relationship between the goods ... need not be as close to support a finding of likelihood of confusion as would be required if there were differences between the marks.” Trademark Manual of

Examining Procedure § 1207.01(a), citing *In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993); *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202 (TTAB 2009); and *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1636 (TTAB 2009).

“The issue in an opposition is the right of an applicant to register the mark depicted in the application for the goods identified therein. The ... question of registrability of an applicant's mark must be decided on the basis of the identification of goods set forth in the application regardless of what the record may reveal as to the particular nature of an applicant's goods, the particular channels of trade or the class of purchasers to which sales of the goods are directed.” *Octocom Sys., Inc. v. Houston Computers Svcs., Inc.*, 918 F.2d 937, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990).

Given that the marks in this case are identical, Opposer's goods and the goods shown in Applicants' Application need not be that close to find a likelihood of confusion. However, they are in fact either identical or highly related. Applicant provides non-medicated, water-resistant preparations to moisturize and help protect the skin from the sun's ultraviolet rays under its SURF MUD mark. The goods in Applicant's Application are “Concealers for skin, face and body; Cosmetic preparations for protecting the skin from the sun's rays; Cosmetic sun-protecting preparations; Cosmetic sunscreen preparations; Waterproof sunscreen” in International Class 3<sup>1</sup>. Nearly all of those goods are identical to the type of goods offered by Opposer under its SURF MUD mark. The remainder, “Concealers for skin, face and body,” are highly related to Opposer's goods. The Board has previously held that sun tanning preparations are related to cosmetics such as face powder and liquid facial make-up (which can be types of concealers). See *In re St. Tropez, Inc.*, Serial No. 76069661 (August 18, 2004) [not precedential].

---

<sup>1</sup> Classification of these goods in International Class 3 means that they are non-medicated, as medicated goods of this type would be classified in International Class 5.

Additionally, counsel for parties in this case agreed that the parties' goods were related during the discovery conference with Board Interlocutory Attorney Elizabeth A. Dunn on April 9, 2015. To wit, Attorney Dunn's report of April 10, 2015 summarizing the discovery conference states: "Inasmuch as the marks are identical and the goods are related, the parties agreed that this proceeding likely will turn on the single issue of priority of use." Appendix G, page 3. No objection to that statement was ever raised by Applicants or Applicants' counsel.

There cannot be any genuine dispute as to any material fact regarding the similarity of the parties' goods given that they are either identical or highly related.

### 3. Channels of Trade

When an application lacks a limitation as to a channel of trade or a class of purchasers, it is presumed that the applicant's goods move in all normal channels of trade, and are available to all classes of purchasers for those goods. *In re Thor Tech*, 90 USPQ2d at 1638 (TTAB 2009).

Given that (a) the parties' respective goods are either identical or highly related, (b) Applicants' Application does not include any limitations as to channels of trade or classes of consumers, and (c) Opposer's goods travel in normal channels of trade and are available to all classes of purchasers, then the channels of trade and classes of customers for the parties' goods must be presumed to be identical. *Genesco Inc. v. Martz*, 66 USPQ2d 1260, 1268 (TTAB 2003) ("Given the in-part identical and in-part related nature of the parties' goods, and the lack of any restrictions in the identifications thereof as to trade channels and purchasers, these clothing items could be offered and sold to the same classes of purchasers through the same channels of trade"); *In re Smith and Mehaffey*, 31 USPQ2d 1531, 1532 (TTAB 1994) ("Because the goods are legally identical, they must be presumed to travel in the same channels of trade, and be sold to the same



class of purchasers”). There cannot be any genuine dispute as to any material fact regarding the similarity of the trade channels of the parties’ goods given such presumption.

4. Actual Confusion

At least one consumer was actually confused by the parties’ concurrent use of SURF MUD. Opposer received a product purchase inquiry from someone interested in SURF MUD, although it was later revealed that the prospective purchaser was confused and intended to contact another purveyor of SURF MUD product (likely one of the Applicants). Lee Decl. ¶ 24. “A showing of actual confusion would of course be highly probative, if not conclusive, of a high likelihood of confusion.” *In re Majestic Distilling Co.*, 315 F.3d 1311, 65 USPQ2d 1201, 1205 (Fed. Cir. 2003).

While Opposer is only aware of this one instance of actual confusion, the Board has noted that “[i]n general, evidence of actual confusion is notoriously difficult to come by.” *General Mills Inc. v. Fage Dairy Processing Industry SA*, 100 USPQ2d 1584, 1604 (TTAB 2011). Therefore, the existence of actual confusion favors a finding of likelihood of confusion.

**III. CONCLUSION**

There is no genuine dispute as to Opposer’s standing, Opposer’s priority or that Applicant’s SURF MUD mark is likely to cause confusion with Opposer’s SURF MUD mark. Accordingly, Opposer respectfully requests that the Board grant its Motion and deny Applicants’ registration of SURF MUD.

Date: April 29, 2016

EIR NYC LLC

By: /luke w demarte/  
One of its attorneys

Luke W. DeMarte  
Michael Best & Friedrich LLP  
Two Prudential Plaza  
180 N. Stetson Avenue, Suite 2000  
Chicago, Illinois 60601  
(312) 222-0800

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and complete copy of the foregoing OPPOSER'S MOTION FOR SUMMARY JUDGMENT has been served upon Applicants by mailing said copy on April 29, 2016, via first class mail, postage prepaid, to:

JASON COLEMAN AND JASON ANFIELD  
P.O. BOX 71, COTTON TREE  
QLD 4558, 4171  
AUSTRALIA

with courtesy copies via e-mail to Applicants at [jason@bpi.edu.au](mailto:jason@bpi.edu.au) and [info@surfmud.com](mailto:info@surfmud.com).

---

/luke w. demarte/

Luke W. DeMarte

# **APPENDIX A**

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 86335393

Filing Date: 07/12/2014

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">SURF MUD</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SURF MUD
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	ANFIELD Jason
*STREET	PO Box 655
*CITY	Bulimba, QLD 4171
*COUNTRY	Australia
PHONE	+61 422 665 997
FAX	+61 7 3177 1018
EMAIL ADDRESS	jason@bpi.edu.au
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	INDIVIDUAL
*COUNTRY OF CITIZENSHIP	Australia
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	COLEMAN Jason
*STREET	PO Box 71
*CITY	Cotton Tree QLD 4558
*COUNTRY	Australia

EMAIL ADDRESS	worldpro@optusnet.com.au
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
*COUNTRY OF CITIZENSHIP	Australia
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	003
*IDENTIFICATION	Concealers for <b>skin, face and body</b> ; Cosmetic preparations for protecting the skin from the sun's rays; Cosmetic sun-protecting preparations; Cosmetic sunscreen preparations; Waterproof sunscreen
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	ANFIELD Jason
*STREET	PO Box 655
*CITY	Bulimba, QLD 4171
*COUNTRY	Australia
PHONE	+61 422 665 997
FAX	+61 7 3177 1018
*EMAIL ADDRESS	jason@bpi.edu.au
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
*SIGNATURE	/ja/
*SIGNATORY'S NAME	Jason Anfield
*SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	+61 422 665 997
*DATE SIGNED	07/12/2014

* SIGNATURE	/ja/
* SIGNATORY'S NAME	Jason Anfield
* SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	+617 422 665 997
* DATE SIGNED	07/12/2014

---

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 86335393**

**Filing Date: 07/12/2014**

#### To the Commissioner for Trademarks:

**MARK:** SURF MUD (Standard Characters, see [mark](#))

The literal element of the mark consists of SURF MUD.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicants, ANFIELD Jason, a citizen of Australia, having an address of

PO Box 655

Bulimba, QLD 4171

Australia

COLEMAN Jason, a citizen of Australia, having an address of

PO Box 71

Cotton Tree QLD 4558

Australia

request registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 003: Concealers for skin, face and body; Cosmetic preparations for protecting the skin from the sun's rays; Cosmetic sun-protecting preparations; Cosmetic sunscreen preparations; Waterproof sunscreen

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

#### The applicant's current Correspondence Information:

ANFIELD Jason

PO Box 655

Bulimba, QLD 4171, Australia

+61 422 665 997(phone)

+61 7 3177 1018(fax)

jason@bpi.edu.au (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

#### Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may



jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /ja/ Date Signed: 07/12/2014  
Signatory's Name: Jason Anfield  
Signatory's Position: Owner

Signature: /ja/ Date Signed: 07/12/2014  
Signatory's Name: Jason Anfield  
Signatory's Position: Owner

RAM Sale Number: 86335393  
RAM Accounting Date: 07/14/2014

Serial Number: 86335393  
Internet Transmission Date: Sat Jul 12 04:39:43 EDT 2014  
TEAS Stamp: USPTO/FTK-XXX.XXX.XX.XXX-201407120439431  
67129-86335393-500375d4c4463a3c28b9384d4  
32f09554019689fe2ba1bfff75799f042d3fefaf  
8-CC-6741-20140712032058501869

SURF MUD

# **APPENDIX B**

Nicholas D. Wells  
[nwells@kmclaw.com](mailto:nwells@kmclaw.com)  
Joshua S. Rupp  
[jrupp@kmclaw.com](mailto:jrupp@kmclaw.com)  
KIRTON | McCONKIE, P.C.  
60 East South Temple, Suite 1800  
Salt Lake City, Utah 84111  
Phone: (801) 328-3600  
Fax: (801) 321-4893

*Attorneys for Applicants*  
Jason Coleman and Jason Anfield

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EIR NYC LLC,  Opposer,  vs.  JASON COLEMAN AND JASON ANFIELD,  Applicants.	<b>APPLICANTS JASON COLEMAN AND JASON ANFIELD’S COMBINED RESPONSES TO OPPOSER EIR NYC LLC’S FIRST SET OF WRITTEN DISCOVERY</b>   Opposition No. 91220510 Serial No. 86/335393 Mark: SURF MUD
---	---

**GENERAL OBJECTIONS**

The following objections are hereby made to each and every discovery request, including both interrogatories and requests for the production of documents, set forth below (collectively, the “Requests” and each individually a “Request” unless otherwise specified) as though fully set forth therein, and are made without waiver of any specific objections set forth below.

1. Discovery is on-going in this matter. As such, Applicants Jason Coleman and Jason Anfield (collectively, “Applicants”) have not completed their investigation or analysis of the facts relating to this matter nor have they completed their preparation for trial. Accordingly, the following responses and objections are given without prejudice to Applicants’ right to

produce, disclose, or use, at some later date, subsequently discovered evidence. Applicants further reserve the right to amend or supplement these responses at any time.

2. Applicants object to the Requests to the extent they seek information protected by the attorney-client privilege, the work-product doctrine, information prepared in anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law. To the extent any Request can be construed to seek such information, Applicants object and will provide only non-privileged and non-immune information.

3. Applicants object to each Request to the extent it seeks to impose a duty upon Applicants beyond that required by the Federal Rules of Civil Procedure.

4. Applicants object to each Request to the extent it seeks information that is overly broad and unduly burdensome.

5. Applicants object to each Request to the extent it is compound and/or contains multiple parts and/or subparts. Applicants reserve the right to count each part and/or subpart as an individual Request.

6. Applicants object to each Request to the extent it seeks information that is vague and/or ambiguous.

7. Applicants object to each Request to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence.

8. Applicants object to each Request to the extent it calls for a legal conclusion.

9. Applicants object to each Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Plaintiff / Opposer EIR NYC LLC (“Opposer”).

10. Applicants object to each Request to the extent it is cumulative and/or duplicative of other discovery.

11. Applicants object to each Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants.

12. Applicants object to each Request to the extent it is premature.

13. Applicants object to each Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure. Applicants will only produce such information and/or documents, if at all, pursuant to an adequate protective order.

14. Any response to an interrogatory and/or Request indicating that documents will be produced is not to be construed as an admission that documents responsive to the specific interrogatory and /or Request actually exist.

15. Applicants respond to each interrogatory and/or Request based upon its understanding of what is being requested. Applicants expressly reserves the right to amend their response to any interrogatory and/or Request at any time to the extent their understanding was mistaken.

### **DEFINITIONS OF SPECIFIC OBJECTIONS**

As used in the objections above and below, the following terms include objections based upon their respective definitions:

A. “Vague and ambiguous” is defined to mean: Applicants object on the basis that the Request is not drafted with sufficient precision to enable Applicants to draft a reasonable response.

B. “Overbroad” is defined to mean: Applicants object on the basis that the Request calls for an expansive potential breadth of information or documents that is unreasonable in scope and parameter.

C. “Irrelevant” is defined to mean: Applicants object on the basis that the Request calls for information or production of documents irrelevant to the subject matter of this action and/or not reasonably calculated to lead to the discovery of admissible evidence.

D. “Duplicative” is defined to mean: Applicants object on the basis that the Request calls for disclosure of information or production of documents that is cumulative or duplicative of other discovery.

E. “Burdensome” is defined to mean: Applicants object on the basis that the Request is so broad and uncertain that it creates an unreasonable and undue burden. Burdensome is also defined to mean that Applicants object to the interrogatory and/or Request because the information or documents sought is/are more readily obtainable through other, more convenient, less burdensome, and less expensive sources, including public sources, or discovery procedures.

F. “Privileged” is defined to mean: Applicants object on the basis that the Request calls for information or documents (1) protected by the attorney-client privilege; (2) protected by the work-product doctrine; (3) protected because it consists, in whole or in part, of trial preparation materials and/or contains mental impressions, conclusions, opinions, or legal theories of counsel; (4) otherwise protected under Rule 26 of the Federal Rules of Civil Procedure; and/or (5) protected under any other valid privilege.

G. The phrase “subject to and without waiving its objections,” or words having similar effect, is defined to mean: Notwithstanding the fact that Applicants will produce certain information or produce certain documents in response to a Request that is/are covered by either a specific or general objections, other information and/or documents may not be disclosed or produced and Applicants objections stand.

H. The phrase “documents responsive to the Request have been or will be produced,” or words having similar effect, does not mean that responsive documents or other information actually exist.

I. “Including subparts” is defined to mean: Applicants object to the Request on the basis that it includes many subparts, each representing an individual interrogatory. Applicants reserves the right to count each distinct subpart against any limitation imposed on the number of interrogatories Opposer may serve.

Subject to, and without waiving, these general objections, Applicants responds as follows:

### **ANSWERS, RESPONSES AND SPECIFIC OBJECTIONS**

#### **APPLICANTS’ RESPONSES TO OPPOSER’S FIRST SET OF INTERROGATORIES** **(Nos. 1 – 11)**

##### **INTERROGATORY NO. 1**

State by its common commercial name, each of Applicants’ SURF MUD goods and services.

##### **RESPONSE TO INTERROGATORY NO. 1**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 1 as compound and/or containing or including multiple discrete parts and/or subparts as it seeks the so-called “common commercial name” of “each of



Applicants' SURF MUD goods and services," each representing a discrete, individual interrogatory. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 1; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 1 as vague and ambiguous with respect to the phrases "common commercial name" and "Applicant's SURF MUD goods and services." More specifically, each of the foregoing phrases is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. This is particularly true of "common commercial name," which is not defined at all, but it is also true of "Applicant's SURF MUD goods and services," which is defined so broadly as to be overbroad and unduly burdensome as well as unclear.

Applicants further object to Interrogatory No. 1 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action as the so-called "*common commercial name*" of "each of Applicants' SURF MUD goods and services" is neither relevant nor calculated to lead to the discovery of admissible evidence.

Applicants further object to Interrogatory No. 1 to the extent it calls for a legal conclusion regarding the goods and services covered under Applicants' SURF MUD mark.

Applicants further object to Interrogatory No. 1 to the extent it seeks information that can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer. Further to this point, Applicants object to Interrogatory No. 1 to the extent the information sought therein is publicly available.

Applicants further object to Interrogatory No. 1 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Subject to the foregoing objections and without waiving the same, Applicants respond as follows: Surf Mud – Natural Zinc; Surf Mud T-shirt; Surf Mud Truckers Cap; Surf Mud Cooler Bags; and Surf Mud Hoodies.

## **INTERROGATORY NO. 2**

State separately the dates of use of Applicants' SURF MUD mark for each of Applicants' SURF MUD goods and services, including:

- (a) the dates of first use in the U.S.,
- (b) the dates of first use in commerce in the U.S.,
- (c) any periods of non-use, the reasons for such non-use, and
- (d) the date of last use if use has ceased.

## **RESPONSE TO INTERROGATORY NO. 2**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 2 as compound and/or containing or including multiple discrete parts and/or subparts as it seeks "dates of use" for "*each* of Applicants' SURF MUD goods and services," each representing a discrete, individual interrogatory. Applicants further object to Interrogatory No. 2 as compound as it requests information regarding "use" with respect to discrete subparts (a) through (d), further representing discrete, individual interrogatories. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 2; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 2 as vague and ambiguous with respect to the phrases “dates of use,” “Applicant’s SURF MUD goods and services,” “in the U.S.,” “in commerce,” “periods of non-use,” “reasons for such non-use,” “last use” and “ceased.” Each of the foregoing phrases is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. This is particularly true of each of the above-identified phrases save for “Applicant’s SURF MUD goods and services,” none of which are defined. This is also true of “Applicant’s SURF MUD goods and services,” which is defined so broadly as to be overbroad and unduly burdensome as well as unclear.

Applicants further object to Interrogatory No. 2 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action. For example, any so-called “reasons for non-use” is not only overly broad, unduly burdensome, vague and ambiguous, it is neither relevant nor calculated to lead to the discovery of admissible evidence.

Applicants further object to Interrogatory No. 2 to the extent it calls for a legal conclusion regarding the legal terms “use,” “goods and services,” “first use,” “use in commerce,” and so forth.

Applicants further object to Interrogatory No. 2 to the extent it seeks information that can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer. Further to this point, Applicants object to Interrogatory No. 2 to the extent the information sought therein is publicly available, including in connection with Applicants’ filings with the United States Patent and Trademark Office in connection with Application Serial No. 86335393.

Applicants further object to Interrogatory No. 2 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 2 to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, information prepared in anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law.

Applicants further object to Interrogatory No. 2 as premature to the extent Applicants have a bona fide intent to use the SURF MUD mark(s).

Subject to the foregoing objections and without waiving the same, Applicants respond as follows:

- (a) July 23, 2014;
- (b) November 15, 2014;
- (c) None; and
- (d) Not applicable.

### **INTERROGATORY NO. 3**

State the annual dollar amount of sales in the U.S. of each of Applicants' SURF MUD goods and services for each year from the date of first use to the present.

### **RESPONSE TO INTERROGATORY NO. 3**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 3 as compound and/or containing or including multiple

discrete parts and/or subparts as it seeks “the annual dollar amount of sales” for “*each* of Applicants’ SURF MUD goods and services,” “for *each* year from the date of first use to the present,” each representing a discrete, individual interrogatory. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 3; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 3 as vague and ambiguous with respect to the phrases “the annual dollar amount of sales,” “Applicant’s SURF MUD goods and services,” and “for each year from the date of first use to the present.” Each of the foregoing phrases is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. This is particularly true of each of the above-identified phrases save for “Applicant’s SURF MUD goods and services,” none of which are defined. This is also true of “Applicant’s SURF MUD goods and services,” which is defined so broadly as to be overbroad and unduly burdensome as well as unclear.

Applicants further object to Interrogatory No. 3 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action. Specifically, Applicants’ “annual dollar amount of sales” is neither relevant nor calculated to lead to the discovery of admissible evidence.

Applicants further object to Interrogatory No. 3 to the extent it calls for a legal conclusion regarding the legal terms “use,” “goods and services,” “first use,” and so forth.

Applicants further object to Interrogatory No. 3 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 3 to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, information prepared in anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law.

Applicants further object to Interrogatory No. 3 to the extent it seeks to impose a duty upon Applicants beyond that required by the Federal Rules of Civil Procedure inasmuch as Interrogatory No. 3 requests an annual sales accounting. Further to this point, Interrogatory No. 3 is overly broad and unduly burdensome.

Applicants further incorporate their objections to Interrogatory No. 2 herein.

Subject to the foregoing objections and without waiving the same, Applicants respond as follows: total U.S. sales from the date of first use to the present: \$ [REDACTED]; total U.S. sales for calendar year 2014: \$ [REDACTED]; total U.S. sales for calendar YTD 2015: \$ [REDACTED].

#### **INTERROGATORY NO. 4**

State the annual dollar amount of advertising and promotional expenditures in the U.S. for each of Applicants' SURF MUD goods and services for each year from the date of first use to the present.

#### **RESPONSE TO INTERROGATORY NO. 4**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 4 as compound and/or containing or including multiple discrete parts and/or subparts as it seeks "the annual dollar amount of ... expenditures" for "*each* of Applicants' SURF MUD goods and services," "for *each* year from the date of first

use to the present,” each representing a discrete, individual interrogatory. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 4; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 4 as vague and ambiguous with respect to the phrases “the annual dollar amount,” “advertising and promotional expenditures,” “Applicant’s SURF MUD goods and services,” and “for each year from the date of first use to the present.” Each of the foregoing phrases is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. This is particularly true of each of the above-identified phrases save for “Applicant’s SURF MUD goods and services,” none of which are defined. This is also true of “Applicant’s SURF MUD goods and services,” which is defined so broadly as to be overbroad and unduly burdensome as well as unclear.

Applicants further object to Interrogatory No. 4 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action. Specifically, Applicants’ “annual dollar amount of advertising and promotional expenditures” is neither relevant nor calculated to lead to the discovery of admissible evidence.

Applicants further object to Interrogatory No. 4 to the extent it calls for a legal conclusion regarding the legal terms “use,” “goods and services,” “first use,” and so forth.

Applicants further object to Interrogatory No. 4 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 4 to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, information prepared in anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law.

Applicants further object to Interrogatory No. 4 to the extent it seeks to impose a duty upon Applicants beyond that required by the Federal Rules of Civil Procedure inasmuch as Interrogatory No. 4 requests an annual expenditures accounting. Further to this point, Interrogatory No. 4 is overly broad and unduly burdensome.

Applicants further incorporate their objections to Interrogatory No. 3 herein.

Subject to the foregoing objections and without waiving the same, Applicants respond as follows: advertising and promotional expenditures from the date of first use to the present: AUD \$ [REDACTED] (comprised of AUD \$ [REDACTED] for surfmud.com, a U.S. facing website, and AUD \$ [REDACTED] for other advertising and promotional activities pointed to the U.S.).

#### **INTERROGATORY NO. 5**

Identify and explain all methods of advertising and all types of media used to advertise and promote Applicants' SURF MUD goods and services.



## **RESPONSE TO INTERROGATORY NO. 5**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 5 as compound and/or containing or including multiple discrete parts and/or subparts as it seeks “*all* methods of advertising” and “*all* types of media” for “Applicants’ SURF MUD goods and services,” each representing a discrete, individual interrogatory. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 5; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 5 as vague and ambiguous with respect to the phrases “methods of advertising,” “types of media used to advertise and promote,” and “Applicant’s SURF MUD goods and services.” Each of the foregoing phrases is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. This is particularly true of each of the above-identified phrases save for “Applicant’s SURF MUD goods and services,” none of which are defined. This is also true of “Applicant’s SURF MUD goods and services,” which is defined so broadly as to be overbroad and unduly burdensome as well as unclear.

Applicants further object to Interrogatory No. 5 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action. Specifically, Applicants’ “methods of advertising” and the “types of media” are neither relevant nor calculated to lead to the discovery of admissible evidence.

Applicants further object to Interrogatory No. 5 to the extent it calls for a legal conclusion regarding the legal terms “goods and services.”

Applicants further object to Interrogatory No. 5 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 5 to the extent it seeks to impose a duty upon Applicants beyond that required by the Federal Rules of Civil Procedure inasmuch as Interrogatory No. 5 requests an itemized listing of all advertising and promotional efforts not normally kept in the ordinary course of business. Further to this point, Interrogatory No. 5 is overly broad and unduly burdensome.

Applicants further object to Interrogatory No. 5 to the extent it seeks information that can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer. Further to this point, Applicants object to Interrogatory No. 5 to the extent the information sought therein is publicly available, including on Applicant’s website, [www.surfmud.com](http://www.surfmud.com).

Applicants further incorporate their objections to Interrogatory No. 4 herein.

Subject to the foregoing objections and without waiving the same, Applicants respond as follows: the following types of media / methods of advertising are used to advertise and promote Applicants’ various goods and services under the SURF MUD mark: over the Internet via <http://surfmud.com>; Applicants’ SURF MUD Instagram account; Applicants’ SURF MUD Facebook account; via various additional social media outlets, via third party product reviews; through event sponsorships, through cross-promotional activities, through surf industry events, through surf sponsorships, via SURF MUD branded clothing, apparel and headwear, and via

industry publications, each of which is explained more fully below solely by way of non-limiting example.

- Applicants' website is used to inform customers of the SURF MUD brand and associated product range and provide an online retail platform for servicing Applicants' global customer base. The website is also linked to, and otherwise interacts with, Applicants' SURF MUD social media identities / feeds, on which Applicants interact with existing and future clients often on a daily basis, including Instagram, Facebook, Twitter, YouTube and Google.
- Applicants' SURF MUD Instagram account currently has 2700+ followers (many from the U.S.) with whom Applicants interact and promote the SURF MUD brand and associated products. Applicants often post daily on this social media platform.
- Applicants' SURF MUD Facebook account currently has 750+ likes. Applicants advertise SURF MUD branded products and promote the brand on this platform often on a daily basis.
- SURF MUD branded products are often promoted through product reviews conducted by third party surf industry digital and print publishers, including 'Surfing Life' (<http://www.surfinglife.com.au>) and 'The Mermaid Society' (<http://themermaidsociety.com.au/mermaid-product-review-surfmud/>).
- Applicants sponsor events and worthy causes by providing SURF MUD branded products for prizes, use of a SURF MUD branded marque at events, cash donations and volunteer labor.
- Applicants partner with other organizations to advertise and cross-promote SURF MUD branded products, services and sponsored activities.

- Applicants have a SURF MUD branded marque that is used for promotional activities at industry trade events, surf ‘festivals,’ and surfing competitions.
- In connection with the SURF MUD mark, Applicants sponsor competitive surfers and lifestyle ambassadors who promote the SURF MUD brand and associated products. To date, Applicants have sponsored or sponsor 10+ individuals and provide them with SURF MUD branded products and SURF MUD branded clothing, apparel and headwear in order to promote the SURF MUD brand.
- The SURF MUD brand is promoted via branded clothing, apparel and headwear.
- SURF MUD branded products, goods, and services are advertised and promoted in third party surf industry publications.

#### **INTERROGATORY NO. 6**

Identify, by state, the geographic areas in which sales have taken place for each of Applicants’ SURF MUD goods and services and the date when the first sale occurred in each state.

#### **RESPONSE TO INTERROGATORY NO. 6**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 6 as compound and/or containing or including multiple discrete parts and/or subparts as it seeks “geographic areas in which sales have taken place” for “*each* of Applicants’ SURF MUD goods and services,” including “the date when the first sale occurred,” each representing a discrete, individual interrogatory. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 6; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 6 as vague and ambiguous with respect to the phrases “geographic areas,” “in which sales have taken place,” “Applicant’s SURF MUD goods and services,” and “the date when the first sale occurred.” Each of the foregoing phrases is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. This is particularly true of each of the above-identified phrases save for “Applicant’s SURF MUD goods and services,” none of which are defined. This is also true of “Applicant’s SURF MUD goods and services,” which is defined so broadly as to be overbroad and unduly burdensome as well as unclear.

Applicants further object to Interrogatory No. 6 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action.

Applicants further object to Interrogatory No. 6 to the extent it calls for a legal conclusion regarding the terms “geographic areas,” “sales,” “first sale,” and so forth.

Applicants further object to Interrogatory No. 6 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 6 to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, information prepared in anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law.

Applicants further object to Interrogatory No. 6 to the extent it seeks to impose a duty upon Applicants beyond that required by the Federal Rules of Civil Procedure inasmuch as Interrogatory No. 6 requests geographic sales accounting which is not kept in the ordinary course of business. Further to this point, Interrogatory No. 6 is overly broad and unduly burdensome inasmuch as it seeks a geographic sales accounting for every single sale of Applicants' various SURF MUD branded products.

Applicants further object to Interrogatory No. 6 to the extent it seeks information that is not static but rather continues to evolve and develop as additional sales are made.

Applicants further incorporate their objections to Interrogatory No. 3 herein.

Subject to the foregoing objections and without waiving the same, Applicants respond as follows:

<b>Date of Sale</b>	<b>State / Geographic Area</b>
2015/06/03	Encinitas, California
2015/06/02	Crescent, California
2015/05/22	Barrington, Rhode Island
2015/04/24	Orlando, Florida
2015/04/15	Carlsbad, California
2015/04/15	Huntington Beach, California
2015/04/12	Humacao, Puerto Rico
2015/04/04	Brooklyn, New York
2015/04/02	Lodi, California
2015/03/27	Mililani, Hawaii
2015/03/15	Trabuco Canyon, California; Mission Viejo, California
2015/01/29	Huntington Beach, California; Kemah, Texas
2015/01/29	Pismo Beach, California
2015/01/08	Encinitas, California
2014/12/13	Berwyn, Pennsylvania
2014/11/15	Kirkland, Washington

### **INTERROGATORY NO.7**

State the circumstances under which Applicants first became aware of Opposer's SURF MUD mark, including:

- (a) the identity of those persons having such first knowledge;
- (b) the date on which such first knowledge was acquired;
- (c) the nature of such first knowledge; and
- (d) the identity of all documents which relate to Applicants' knowledge of Opposer's SURF MUD mark.

### **RESPONSE TO INTERROGATORY NO.7**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 7 as compound as it requests information regarding "the circumstances under which Applicants first became aware of Opposer's SURF MUD mark" with respect to discrete subparts (a) through (d), each representing discrete, individual interrogatories. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 7; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 7 as vague and ambiguous with respect to the words or phrases "circumstances," "first became aware," "Opposer's SURF MUD mark," "first knowledge," "the nature of such first knowledge," and "documents which relate to Applicants' knowledge." Each of the foregoing phrases is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. None of the above-identified phrases are defined.

Applicants further object to Interrogatory No. 7 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action. For example, while vague and ambiguous, "the nature

of such first knowledge,” whatever that means, is neither relevant nor calculated to lead to the discovery of admissible evidence.

Applicants further object to Interrogatory No. 7 to the extent it calls for a legal conclusion regarding the legal terms “Opposer’s SURF MUD mark” and “knowledge.” Applicants object to the phrase “Opposer’s SURF MUD mark” as Opposer never used any such mark as a trademark until at least after becoming aware of Applicants’ SURF MUD mark.

Applicants further object to Interrogatory No. 7 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 7 to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, information prepared in anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law.

Applicants further object to Interrogatory No. 7 as overly broad, unduly burdensome, and beyond the duties imposed under the Federal Rules of Civil Procedure.

Applicants further object to Interrogatory No. 7 to the extent it seeks information that can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer. Specifically, Applicants object to Interrogatory No. 7 to the extent the information sought therein is principally contained in Opposer’s trademark application, Serial No. 86496296, which is both publicly available or already within Opposer’s possession.



Subject to the foregoing objections and without waiving the same, Applicants respond as follows:

(a) Applicants Jason Coleman and/or Jason Anfield;

(b) Approximately late January, 2015;

(c) When Applicants first began developing and producing zinc products in July 2010, which products were ultimately marketed under Applicants' SURF MUD mark, Applicants conducted trademark searches in International Class 03 in Australia and the United States in July 2010. When Applicants began transitioning to commercial production in April 2013, Applicants again conducted trademark searches in April 2013, including U.S. trademark database searches as well as commercial website and social media platform searches. When Applicants filed their trademark application, Serial No. 86335393, Applicants again conducted trademark searches in July 2014. *None* of the above-identified trademark searches revealed Opposer or Opposer's alleged surf mud "mark." Applicant Jason Coleman first became aware of Opposer on September 16, 2014 in association with an Instagram post using "#surfmud." A subsequent trademark search did not reveal any trademark registrations or applications for "surf mud" save for Applicants' trademark application, Serial No. 86335393. At that time, Applicants were unable to locate any information that even suggested that Opposer was using "surf mud" as a trademark. Applicants only first became aware of Opposer's alleged intent to use "surf mud" as a trademark via a trademark search conducted in late January, 2015, after Opposer's trademark application, Serial No. 86496296, was filed.

(d) Pursuant to Federal Rule of Civil Procedure 33(d), Applicants refer Opposer to Applicants' document production, provided concurrently herewith.

### **INTERROGATORY NO. 8**

State the name, title, and address of those persons employed by or associated with Applicants who were and are most knowledgeable about:

(a) the marketing and sales of Applicants' SURF MUD goods and services, from the date of first use to the present, and indicate the specific time periods during which each such person was most knowledgeable; and

(b) the facts and issues in this proceeding, including but not limited to, the responses made by Applicants in their Answer to the Notice of Opposition.

### **RESPONSE TO INTERROGATORY NO. 8**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 8 as compound as it requests information regarding *all* "persons ... most knowledgeable" about discrete topics (a) and (b), each representing discrete, individual interrogatories. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 8; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 8 as vague and ambiguous with respect to the words or phrases "persons ... associated with," "who were and are most knowledgeable," "marketing and sales," "Applicants' SURF MUD goods and services," "specific time periods during which each such person was most knowledgeable," and "the facts and issues in this proceeding." Each of the foregoing phrases is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. None of the above-identified phrases are defined. Moreover, phrases such as "the facts and issues in this proceeding" are so broad yet ambiguous so as to be unduly burdensome.

Applicants further object to Interrogatory No. 8 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible

evidence in the above-captioned action. For example, while vague and ambiguous, “the specific time periods during which each such person was most knowledgeable,” whatever that means, is neither relevant nor calculated to lead to the discovery of admissible evidence.

Applicants further object to Interrogatory No. 8 to the extent it calls for a legal conclusion regarding the legal terms “employed,” “Applicants’ SURF MUD goods and services,” “first use,” and so forth.

Applicants further object to Interrogatory No. 8 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 8 to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, information prepared in anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law.

Applicants further object to Interrogatory No. 8 as overly broad, unduly burdensome, and beyond the duties imposed under the Federal Rules of Civil Procedure.

Applicants further object to Interrogatory No. 8 to the extent it seeks information that can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer.

Applicants further object to Interrogatory No. 8 as premature. Discovery is on-going in this matter. As such, Applicants have not completed their investigation or analysis of the facts relating to this matter nor have they completed their preparation for trial.

Subject to the foregoing objections and without waiving the same, Applicants respond as follows:

- Jason Stuart Anfield – Director  
69 Fairbank Street  
Sunnybank  
Queensland 4109  
Australia
- Jason Roy Coleman – Director  
444 Oceanic Drive  
Wurtulla  
Queensland 4575  
Australia

#### **INTERROGATORY NO. 9**

Identify and describe any grants or transfers of rights in or to Applicants' SURF MUD mark (whether between Applicants, to or from Applicants or any predecessors) including, but not limited to, assignments, licenses, pledges, or security interests pertaining or in any way relating to such mark.

#### **RESPONSE TO INTERROGATORY NO. 9**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 9 as compound as it requests information regarding “*any* grants or transfers of rights,” including various sub-categories, each representing discrete, individual interrogatories. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 9; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 9 as vague and ambiguous with respect to the words or phrases “grants,” “transfer of rights,” “Applicants' SURF MUD mark,” and “assignments, licenses, pledges, or security interests.” Each of the foregoing phrases is unclear

in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. None of the above-identified phrases are defined. Moreover, words such as “pledges” are so broad yet ambiguous so as to be unduly burdensome.

Applicants further object to Interrogatory No. 9 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action. Specifically, any grant or transfer of rights, whatever that means, is neither relevant nor calculated to lead to the discovery of admissible evidence.

Applicants further object to Interrogatory No. 9 to the extent it calls for a legal conclusion regarding the legal terms “rights,” “Applicants’ SURF MUD mark,” and so forth.

Applicants further object to Interrogatory No. 9 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 9 to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, information prepared in anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law.

Applicants further object to Interrogatory No. 9 as overly broad, unduly burdensome, and beyond the duties imposed under the Federal Rules of Civil Procedure.

Applicants further object to Interrogatory No. 9 to the extent it seeks information that can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer.

Subject to the foregoing objections and without waiving the same, Applicants respond as follows: Applicants are not currently aware of any responsive information.

**INTERROGATORY NO. 10**

Identify and describe each instance of confusion, likelihood of confusion, mistake or deception of which Applicants are aware between Applicants and Opposer, their respective marks, or their respective products or services.

**RESPONSE TO INTERROGATORY NO. 10**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 10 as compound as it requests information regarding “*each* instance of confusion, likelihood of confusion, mistake or deception,” each representing discrete, individual interrogatories. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 10; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 10 as vague and ambiguous with respect to the words or phrases “confusion, likelihood of confusion, mistake or deception,” “of which Applicants are aware,” “between Applicants and Opposer,” “their respective marks,” and “their respective products or services.” Each of the foregoing phrases is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. None of the above-identified phrases are defined.

Applicants further object to Interrogatory No. 10 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action.

Applicants further object to Interrogatory No. 10 to the extent it calls for a legal conclusion regarding the legal terms “confusion,” “likelihood of confusion,” “mistake,” or deception.”

Applicants further object to Interrogatory No. 10 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 10 to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, information prepared in anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law.

Applicants further object to Interrogatory No. 10 as overly broad, unduly burdensome, and beyond the duties imposed under the Federal Rules of Civil Procedure.

Applicants further object to Interrogatory No. 10 to the extent it seeks information that can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer.

Applicants further object to Interrogatory No. 10 as premature. Discovery is on-going in this matter. As such, Applicants have not completed their investigation or analysis of the facts relating to this matter nor have they completed their preparation for trial.

### **INTERROGATORY NO. 11**

Describe fully the business relationship between Jason Coleman and Jason Anfield and identify any documents which memorialize such relationship.

### **RESPONSE TO INTERROGATORY NO. 11**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Interrogatory No. 11 as compound as it requests a “description” as well as the “identification” of documents. To this end, and pursuant to their right to count each distinct subpart against any limitation imposed on the maximum number of interrogatories Opposer may serve, Applicants object to Interrogatory No. 11; Applicants will only answer the maximum number of interrogatories Opposer is permitted to serve.

Applicants further object to Interrogatory No. 11 as vague and ambiguous with respect to the phrase “the business relationship.” This phrase is unclear in its meaning as used in the interrogatory and otherwise imprecise as to what the interrogatory is directed toward. This phrase is undefined.

Applicants further object to Interrogatory No. 11 to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned action.

Applicants further object to Interrogatory No. 11 to the extent it calls for a legal conclusion regarding the legal term “business relationship.”

Applicants further object to Interrogatory No. 11 as cumulative and/or duplicative of other discovery propounded, including other interrogatories and/or requests for the production of documents.

Applicants further object to Interrogatory No. 11 to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, information prepared in



anticipation of litigation or prosecution of this action or any other action, or containing the mental impressions, conclusions, opinions or legal theories of any attorney or other legal representative of Applicants or any other applicable privilege, immunity, and/or protection available under law.

Applicants further object to Interrogatory No. 11 as overly broad, unduly burdensome, and beyond the duties imposed under the Federal Rules of Civil Procedure.

Applicants further object to Interrogatory No. 11 to the extent it seeks information that can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer. For example, the relationship at issue is reflected or otherwise evidenced in the registration details provided to and by the Australian Securities and Investments Commission, which are equally available to Opposer.

Subject to the foregoing objections and without waiving the same, Applicants respond as follows: Jason Anfield and Jason Coleman are shareholders and directors of Stayout Industries Pty Ltd., a limited liability entity established to commercialize the SURF MUD brand and related products.

**APPLICANTS' RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR  
PRODUCTION (Nos. 1 – 23)**

**REQUEST NO. 1**

Documents sufficient to identify all of Applicants' SURF MUD goods and services.

**RESPONSE TO REQUEST NO. 1**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 1 as vague and ambiguous with respect to the phrase "sufficient to identify," as this phrase is unclear as used in the Request. This Request is also objectionably vague and ambiguous with respect to "all of Applicants' SURF MUD goods and services." Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request as discovery in this matter is ongoing and to the extent the requested documents are not static but rather continue to evolve and develop. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer, including, but not limited to, documentation and specimens filed in connection with Applicants' trademark application, Serial No. 86335393.

Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

## **REQUEST NO. 2**

A sample or copy of every product, label, wrapper, package, box, brochure, sign, catalog, stationery, purchase order, invoice, advertisement, promotional material and other printed matter, or other document, previously used and currently used in connection with marketing, advertising, promoting, distributing and selling Applicants' SURF MUD goods and services.

## **RESPONSE TO REQUEST NO. 2**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 2 as vague and ambiguous with respect to the words or phrases "a sample," "product, label, wrapper, package, box, brochure, sign, catalog, stationery, purchase order, invoice, advertisement, promotional material and other printed matter," "previously used and currently used," "with marketing, advertising, promoting, distributing and selling," and "Applicants' SURF MUD goods and services" as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request as discovery in this matter is ongoing and to the extent the requested documents are not static but rather continue

to evolve and develop. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, sales and use. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer, including, but not limited to, documentation and specimens filed in connection with Applicants' trademark application, Serial No. 86335393. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

### **REQUEST NO. 3**

All documents which Applicants will rely upon to establish the dates of use (including the dates of first use in the U.S., the dates of first use in commerce in the U.S., any periods of non-use, the reasons for such non-use, and the date of last use if use has ceased) of Applicants' SURF MUD marks for each of Applicants' SURF MUD goods and services.

### **RESPONSE TO REQUEST NO. 3**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 3 as vague and ambiguous with respect to the words or phrases "documents which Applicants will rely upon to establish the dates of use," "the dates of first use in commerce in the U.S.," "periods of non-use," "reasons for such non-use," and "Applicants' SURF MUD goods and services" as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for

or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request as discovery in this matter is ongoing and Applicants have not completed their preparation for trial. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, first use and use in commerce. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer, including, but not limited to, documentation and specimens filed in connection with Applicants' trademark application, Serial No. 86335393. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

#### **REQUEST NO. 4**

All documents concerning all state and federal trademark registrations or applications filed by Applicants for the mark SURF MUD alone or in combination with other words, terms or designs.

#### **RESPONSE TO REQUEST NO. 4**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 4 as vague and ambiguous with respect to the words or phrases “all state and federal trademark registrations or applications” and “alone or in combination with other words, terms or designs” as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request as premature as discovery in this matter is ongoing. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer, including, but not limited to, documentation and specimens filed in connection with Applicants’ trademark application, Serial No. 86335393. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

### **REQUEST NO. 5**

All documents concerning Applicants' selection, adoption and first use of the mark SURF MUD in connection with each of Applicants' SURF MUD goods and services.

### **RESPONSE TO REQUEST NO. 5**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 5 as vague and ambiguous with respect to the words or phrases "selection, adoption and first use" and "Applicants' SURF MUD goods and services" as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, first use. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer, including, but not limited to, documentation and specimens filed in connection with Applicants' trademark application, Serial No. 86335393. Applicants further object to this Request as cumulative or duplicative.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

#### **REQUEST NO. 6**

All documents concerning any trademark search or investigation, conducted by or on behalf of Applicants, regarding the mark SURF MUD.

#### **RESPONSE TO REQUEST NO. 6**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 6 as vague and ambiguous with respect to the words or phrases “concerning,” “trademark search or investigation,” and “conducted” as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, “trademark search”. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.



Subject to all of the foregoing objections and without waiving the same, Applicants respond to this Request as follows: as far as Applicants are aware, no responsive documents exist.

#### **REQUEST NO. 7**

All documents concerning any market research or surveys, conducted by or on behalf of Applicants, regarding the mark SURF MUD.

#### **RESPONSE TO REQUEST NO. 7**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 7 as vague and ambiguous with respect to the words or phrases “concerning,” “market research or surveys,” and “conducted” as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.

Subject to all of the foregoing objections and without waiving the same, Applicants respond to this Request as follows: as far as Applicants are aware, no responsive documents exist.

#### **REQUEST NO. 8**

All documents concerning any marketing plans or reports, advertising reports, studies and correspondence related thereto, prepared by or on behalf of Applicants, regarding each of Applicants' SURF MUD goods and services.

#### **RESPONSE TO REQUEST NO. 8**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 8 as vague and ambiguous with respect to the words or phrases "concerning," "marketing plans or reports," "advertising reports," and "studies" as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.

Subject to all of the foregoing objections and without waiving the same, Applicants respond to this Request as follows: as far as Applicants are aware, no responsive documents exist.

### **REQUEST NO. 9**

Documents sufficient to identify all channels of trade in which Applicants advertise and sell (or intend to advertise and sell) its products and services in connection with the mark SURF MUD.

### **RESPONSE TO REQUEST NO. 9**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 9 as vague and ambiguous with respect to the words or phrases “channels of trade,” “advertise and sell,” and “in connection with” as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, “channels of trade and sales”. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody,

and/or control of Applicants. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

#### **REQUEST NO. 10**

Documents sufficient to identify or refer to the nature of Applicants' customers (*e.g.*, consumers, distributors, wholesalers, retailers, etc.).

#### **RESPONSE TO REQUEST NO. 10**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 10 as vague and ambiguous with respect to the phrase "the nature of Applicants' customers" as this phrase is unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, "the nature of Applicants' customers". Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks

information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

#### **REQUEST NO. 11**

Documents sufficient to show Applicants' annual sales in the U.S. for each year from the date of first use to date, for all products and services in connection with which Applicants used the mark SURF MUD.

#### **RESPONSE TO REQUEST NO. 11**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 11 as vague and ambiguous with respect to the phrase "annual sales in the U.S." as this phrase is unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, sales and first use. Applicants further object to this Request as cumulative or duplicative.

Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

#### **REQUEST NO. 12**

Documents which show Applicants' annual advertising and promotional expense for all products and services sold or offered in connection with Applicants' mark SURF MUD, for each year from the date of first use to the present.

#### **RESPONSE TO REQUEST NO. 12**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 12 as vague and ambiguous with respect to the phrase "advertising and promotional expense" as this phrase is unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding,

*inter alia*, first use. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

### **REQUEST NO. 13**

All documents concerning any instances of confusion, likelihood of confusion, mistake or deception between Opposer and Applicants, their respective marks, or their respective products or services.

### **RESPONSE TO REQUEST NO. 13**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 13 as vague and ambiguous with respect to the words or phrases “concerning,” “instances of confusion,” “likelihood of confusion, mistake or deception,” “between,” “respective marks,” “respective products and services,” and “advertising and promotional expense” as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate

documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, confusion, likelihood of confusion, and so forth. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as discovery in this matter is ongoing and Applicants have not completed their preparation for trial. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer,

Subject to all of the foregoing objections and without waiving the same, Applicants respond to this Request as follows: Applicants are not currently aware of and do not currently possess any documents responsive to this Request.

#### **REQUEST NO. 14**

All documents concerning all instances where Applicants have licensed or otherwise authorized others to use the mark SURF MUD.

#### **RESPONSE TO REQUEST NO. 14**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 14 as vague and ambiguous with respect to the words or phrases “concerning,” “instances,” and “licensed or otherwise authorized others to use” as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent it seeks information



protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, use. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.

Subject to all of the foregoing objections and without waiving the same, Applicants respond to this Request as follows: as far as Applicants are aware, no responsive documents exist.

#### **REQUEST NO. 15**

All documents concerning any third party uses or users of the mark SURF MUD, as a trademark, service mark, trade name, corporate name or company name either alone or in combination with other words, terms and/or designs.

#### **RESPONSE TO REQUEST NO. 15**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 15 as vague and ambiguous with respect to the words or phrases “concerning,” “third party uses or users,” “as a trademark, service mark, trade name, corporate name or company name,” and “alone or in combination with other words, terms and/or designs” as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced,

if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, use. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as discovery in this matter is ongoing and Applicants have not completed their preparation for trial. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer.

Subject to all of the foregoing objections and without waiving the same, Applicants respond to this Request as follows: as far as Applicants are aware, no responsive documents exist beyond documents, if any, already within the possession of Opposer.

#### **REQUEST NO. 16**

All documents concerning any litigation, cancellation, opposition or adversary proceeding (including without limitation extensions of time to oppose) between Applicants and any other party, which include an allegation of infringement, unfair competition, likelihood of confusion or dilution involving the mark SURF MUD.

## **RESPONSE TO REQUEST NO. 16**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 16 as vague and ambiguous with respect to the words or phrases “concerning,” “litigation,” “cancellation,” “opposition,” “adversary proceeding,” “any other party,” “allegation,” “infringement, unfair competition, likelihood of confusion or dilution” and “involving” as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, legal proceedings, including infringement proceedings, etc. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as discovery in this matter is ongoing and Applicants have not completed their preparation for trial. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more

convenient, less burdensome, and less expensive, or that is already in the possession of Opposer.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

#### **REQUEST NO. 17**

All documents concerning all instances where anyone has ever inquired if there is a relationship between Opposer and Applicants or their respective products or services.

#### **RESPONSE TO REQUEST NO. 17**

In addition to their general objections, which are incorporated herein by reference, Applicants hereby incorporate their response to Request No. 13 as if fully set forth anew in response to Request for Production No. 17.

#### **REQUEST NO. 18**

All documents concerning all agreements, contracts, licenses, and assignments between Applicants and third parties which refer or relate to the mark SURF MUD either alone or in combination with other words, terms or designs.

#### **RESPONSE TO REQUEST NO. 18**

In addition to their general objections, which are incorporated herein by reference, Applicants hereby incorporate their response to Request No. 14 as if fully set forth anew in response to Request for Production No. 18.

#### **REQUEST NO. 19**

All documents concerning agreements between Jason Coleman and Jason Anfield regarding the ownership and use of the mark SURF MUD.

### **RESPONSE TO REQUEST NO. 19**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 19 as vague and ambiguous with respect to the words or phrases “concerning,” “agreements,” and “regarding the ownership and use” as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, use. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence.

Subject to all of the foregoing objections and without waiving the same, Applicants respond to this Request as follows: as far as Applicants are aware, no responsive documents exist.

### **REQUEST NO. 20**

Documents sufficient to show each state in which Applicants have advertised or sold products bearing on the mark SURF MUD, and the date of first sale in each instance.

### **RESPONSE TO REQUEST NO. 20**

In addition to their general objections, which are incorporated herein by reference, Applicants hereby incorporate their responses to Request Nos. 3 and 11 as if fully set forth anew in response to Request for Production No. 20. Applicants also hereby incorporate their response to Interrogatory No. 6 as if fully set forth anew in response to Request for Production No. 20.

### **REQUEST NO. 21**

All documents concerning Opposer or Opposer's mark SURF MUD.

### **RESPONSE TO REQUEST NO. 21**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 21 as vague and ambiguous with respect to the words or phrases "concerning" and "Opposer's mark SURF MUD" as these words or phrases is/are unclear as used in the Request, particularly where Opposer did not use "surf mud" as a mark prior to the filing of Applicants' trademark application, Serial No. 86335393. Applicants further object to this Request to the extent it seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to collect or generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request to the extent it calls for a legal conclusion regarding, *inter alia*, Opposer's alleged mark. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Applicants further object to this Request to the extent it

seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as discovery in this matter is ongoing and Applicants have not completed their preparation for trial. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or, in particular, that is already in the possession of Opposer.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

#### **REQUEST NO. 22**

All documents concerning media coverage of or publicity regarding Applicants' SURF MUD goods and services.

#### **RESPONSE TO REQUEST NO. 22**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 22 as vague and ambiguous with respect to the words or phrases "concerning," "media coverage," "publicity," and "regarding Applicants' SURF MUD goods and services" as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to collect or generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request as cumulative or duplicative. Applicants further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as discovery in

this matter is ongoing and Applicants have not completed their preparation for trial. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

### **REQUEST NO. 23**

All documents concerning communications with Make-up Designory regarding Applicants' SURF MUD mark.

### **RESPONSE TO REQUEST NO. 23**

In addition to their general objections, which are incorporated herein by reference, Applicants object to Request for Production No. 23 as vague and ambiguous with respect to the words or phrases "concerning," "communications," "Make-up Designory," and "regarding Applicants' SURF MUD mark" as these words or phrases is/are unclear as used in the Request. Applicants further object to this Request to the extent it calls for or seeks confidential or proprietary information, or other information, documents or materials subject to protection from disclosure; such information and/or documents will only be produced, if at all, pursuant to an adequate protective order. Applicants further object to this Request to the extent its seeks information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, and/or protection available under law. Applicants further object to this Request to the extent it seeks to impose a duty on Applicants beyond that required by the Federal Rules of Civil Procedure, including an ostensible duty to collect or generate documents which are neither created nor kept in the ordinary course of business, which Applicants will not do. Applicants further object to this Request as overly broad and unduly burdensome. Applicants further object to this Request as cumulative or duplicative. Applicants



further object to this Request as seeking information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Applicants further object to this Request to the extent it seeks information outside of the possession, custody, and/or control of Applicants. Applicants further object to this Request as discovery in this matter is ongoing and Applicants have not completed their preparation for trial. Applicants further object to this Request to the extent it seeks information that is publicly available or can be obtained from another source that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer.

Subject to all of the foregoing objections and without waiving the same, documents generated or made during the regular course of business which are responsive to this Request, if any, and not otherwise privileged, have been or will be produced.

Respectfully submitted on June 22, 2015.

By: /Nicholas D. Wells/

**KIRTON MCCONKIE, PC**  
1800 World Trade Center  
60 E. South Temple  
Salt Lake City, Utah 84111  
Tel: (801) 328-3600  
Email: nwells@kmclaw.com

Attorney for Applicants  
Jason Coleman and Jason Anfield

**VERIFICATION FOR INTERROGATORY NOS. 1 – 11**

I hereby certify that I have read the foregoing Responses to Interrogatory Nos. 1 through 11 and that the factual statements contained therein are true to the best of my knowledge.

By: /Jason Anfield/  
Jason Anfield

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 22 day of June, 2015, I served a copy of **APPLICANTS JASON COLEMAN AND JASON ANFIELD'S COMBINED RESPONSES TO OPPOSER EIR NYC LLC'S FIRST SET OF WRITTEN DISCOVERY** on the attorney for the Opposer, as designated below, by placing said copy in the United States Mail, first class, postage prepaid, addressed as follows:

Luke W. DeMarte  
**MICHAEL BEST & FRIEDRICH LLP**  
Two Prudential Plaza  
180 N. Stetson, Suite 2000  
Chicago, Il 60601

By: /Nicholas D. Wells/

**KIRTON MCCONKIE, PC**  
1800 World Trade Center  
60 E. South Temple  
Salt Lake City, Utah 84111

# **APPENDIX C**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EIR NYC LLC,

Opposer,

v.

Jason Coleman and Jason Anfield,

Applicants.

Opposition No. 91220510

Serial No.: 86/335393

Mark: SURF MUD

**DECLARATION OF JUN LEE IN SUPPORT OF  
OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

I, Jun Lee, declare as follows:

1. I am the founder and President of EIR NYC LLC ("Opposer").
2. Opposer is a New York limited liability company with an address at 252 Java Street, Suite 322 , Brooklyn, New York 11222.
3. I have been Opposer's President since I founded Opposer.
4. In my role as Opposer's President, I have knowledge of all of Opposer's operations.
5. All statements made in this Declaration are based on my own personal knowledge and my review of company documents and files on relevant matters.
6. In 2012, I began developing a new product: a non-medicated, water-resistant preparation to help moisturize and shield skin from the damaging effects of the sun's ultraviolet rays.
7. I was the primary developer and initial user of this product. I tested it while surfing to see if it would stay on my skin.

8. I finalized the formulation for this product in or around July 2012.
9. Promptly thereafter, I gave sample packages of this product to people I knew; the packages were labeled with the SURF MUD trademark (such product distributed or sold in packages labeled with the SURF MUD trademark are referred to in this Declaration as the “SURF MUD Goods”).
10. Receiving a positive response, I began making and marketing the SURF MUD Goods in late 2012.
11. I first sold the SURF MUD Goods at least as early as December 1, 2012.
12. Sales of the SURF MUD Goods have been ongoing since such first sale. True and correct copies of invoices for the SURF MUD Goods that were issued to U.S. purchasers of the SURF MUD Goods are attached as Exhibit 1. SURF MUD appeared on packaging for the goods identified in those invoices.
13. Opposer was legally formed on June 28, 2013, at which time I assigned all of my right, title and interest in and to the SURF MUD trademark (including without limitation the goodwill therein) to Opposer.
14. A true and correct copy of an image of the packaging for the SURF MUD Goods is attached as Exhibit 2. Such packaging has remained consistent from 2012 to today and has always included the prominent term SURF MUD.
15. Opposer sells (and Opposer’s predecessor in interest sold) the SURF MUD Goods online direct to consumers and through retailers. Such retailers include national stores and boutiques.

16. I began selling the SURF MUD Goods in an online store at Etsy.com from approximately October 19, 2012. Opposer continued sales through Etsy.com until around January 1, 2014.

17. Opposer began selling the SURF MUD Goods at its own website at www.eirnyc.com on or around January 1, 2014. True and correct printouts showing how Opposer's website looked on January 21, 2014 (exclusive of the "Wayback Machine" header) are attached as Exhibit 3.

18. Opposer's efforts to sell the SURF MUD Goods included personal visits by me to retailers to promote and try to sell the SURF MUD Goods.

19. In connection with Opposer's marketing and sales efforts for the SURF MUD Goods, Opposer distributes brochures and other sales materials bearing the SURF MUD mark to retailers. True and correct copies of representative examples of such brochures and sales materials are attached as Exhibit 4.

20. Opposer's SURF MUD Goods received national publicity in an unsolicited article in the Wall Street Journal on June 6, 2014. A true and correct copy of the online version of this article is attached as Exhibit 5.

21. Opposer's SURF MUD Goods again received national publicity in an unsolicited article in the Los Angeles Times on June 22, 2014 which included a prominent photo of the SURF MUD Goods. A true and correct copy of the online version of this article is attached as Exhibit 6.

22. Opposer began promoting the SURF MUD Goods in social media in late 2012 and continues to use Facebook and Instagram to promote the SURF MUD Goods. True and correct screenshots of some of Opposer's Instagram posts promoting the SURF MUD Goods are attached as Exhibit 7. True and correct screenshots of some of Opposer's Facebook posts promoting the

SURF MUD Goods and third party posts which mention Opposer's SURF MUD Goods are attached as Exhibit 8.

23. Opposer promotes the SURF MUD Goods by giving away samples, including some to bloggers and other online authors. True and correct copies of online reviews and articles regarding the SURF MUD Goods from the websites York Surf, Surf Mei Mei, Pure Wow and Nomad Chic are attached as Exhibit 9.

24. On December 12, 2014, Opposer received an email from Meryl Johnston inquiring about purchasing "Surf Mud" product. Upon further communication, Ms. Johnston said that she had contacted the wrong party, stating that the product she was looking for had been "created by a guy called Jason." True and correct copies of the emails between myself and Ms. Johnston are attached as Exhibit 10. I assume she intended to reach Applicants (as each is named Jason) but mistakenly contacted Opposer instead.

25. I declare that the foregoing is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 29<sup>th</sup> day of April, 2016



---

Jun Lee



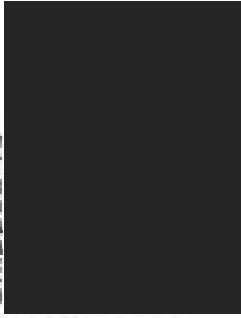





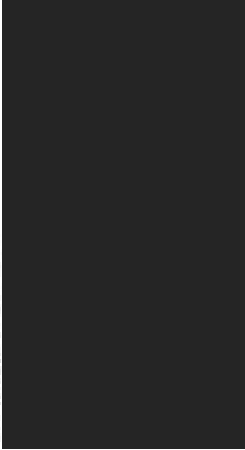

# **EXHIBIT 1**

The documents in this exhibit contain “trade secret / commercially sensitive” information as such term is defined in the Board’s standard protective order. Such information has been redacted from these documents. Unredacted copies of these documents have been filed with the Board under seal.





		<b>Ordered</b> Apr 26, 2013	<b>Total</b> \$24.00 USD	<input checked="" type="checkbox"/> Paid	<input checked="" type="checkbox"/> Shipped	<b>Receipt</b> #87662808
<b>Shipping Method:</b> Standard Shipping						
Marked as shipped on Apr 29, 2013.						
Shipped To 						
	<b>Surf Mud with Zinc Oxide</b>		<b>Shipping</b> \$4.00 USD	<input type="text" value="0.00"/>		
<b>Material:</b> Zinc Oxide			<b>Price</b> \$20.00 USD			
<b>Quantity</b> 1						
Add a private note about this order.						

<input type="checkbox"/> 		<b>Ordered</b> Apr 26, 2013	<b>Total</b> \$24.00 USD	<input checked="" type="checkbox"/> Paid <input checked="" type="checkbox"/> Shipped <b>Receipt</b> #87664427
<p>Shipping Method: Standard Shipping</p> <p>Marked as shipped on Apr 29, 2013.</p> <p>Shipped To</p> 				
<div>  <div> <p>Surf Mud with Zinc Oxide</p> <p><b>Material:</b> Zinc Oxide</p> <p>Quantity: 1</p> <p>Price: \$20.00 USD</p> </div> </div> <p>Add a private note about this order.</p>				

Shipping Method: Standard Shipping

Surf Mud with Zinc Oxide

Material: Zinc Oxide

Quantity1

Price\$20.00 USD

Shipping\$4.00 USD

Total\$24.00 USD

Marked as shipped on Apr 29, 2013.

Shipped To

Paid

Shipped

Receipt#87719664

Add a private note about this order.

Trade Secret / Commercially Sensitive

EIR000010

**E i R**  
**N Y ‡ C**

Fax:

EIR00011



**E i R**  
**N Y  $\dagger \approx$  C**

Phone:  
E-mail:  
Fax:

Invoice Subtotal	\$	216.00
Tax Rate		8.25%
Sales Tax		17.82
Other		
Deposit Received		

EIR00012

**E i R**  
**N Y  $\approx$  C**

Fax:

**Thank you for your business!**  
Trade Secret / Commercially Sensitive

EIR00013

**E i R**  
**N Y  $\overset{+}{\approx}$  C**

Phone:  
E-mail:  
Fax:

EIR00014

**E i R**  
**N Y  $\overset{+}{\approx}$  C**

Phone:  
E-mail:  
Fax:

EIR00015



Ordered  
Jul 27, 2013

Total  
\$134.00 USD

☒ Paid

☒ Shipped

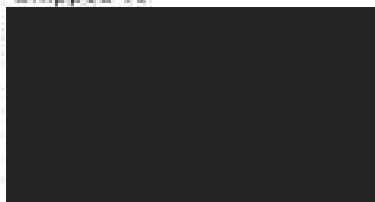
Receipt  
#07258175

Shipping Method: Standard Shipping

Shipping  
\$14.00 USD

Marked as shipped on Jul 29, 2013.

Shipped To



Cooling Butter with Arnica

Material: Coconut oil

Quantity  
1

Price  
\$20.00 USD



Cooling Butter with Arnica

Material: Shea Butter

Quantity  
1

Price  
\$20.00 USD



Cooling Butter with Arnica

Material: Essential Oils

Quantity  
1

Price  
\$20.00 USD



Surf Mud with Zinc Oxide

Material: Coconut Oil

Quantity  
1

Price  
\$20.00 USD



Surf Mud with Zinc Oxide

Material: Cocoa Butter

Quantity  
1

Price  
\$20.00 USD



Surf Mud with Zinc Oxide



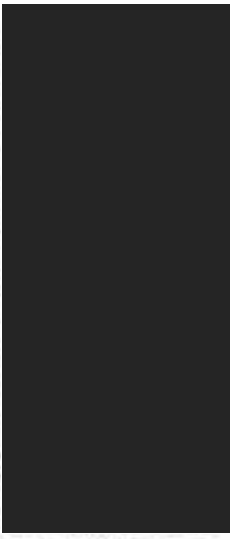






Material: Zinc Oxide






Quantity  
1

Price  
\$20.00 USD

Add a private note about this order.




		<b>Ordered</b> Nov 11, 2013	<b>Total</b> \$68.00 USD	<input checked="" type="checkbox"/> Paid	<input checked="" type="checkbox"/> Shipped	Receipt #110084978
<b>Shipping Method: Standard Shipping</b>						
Marked as shipped on Nov 13, 2013.						
Shipped To 						
	<b>Antiseptic Butter 2oz</b> 			Shipping \$8.00 USD		
Quantity 1		Price \$20.00 USD				
	<b>Surf Mud with Zinc Oxide 2oz</b> 			Price \$20.00 USD		
<b>Material: Coconut Oil</b>		Quantity 2				
Add a private note about this order.						

<input type="checkbox"/>			<b>Ordered</b> Nov 17, 2013	<b>Total</b> \$24.00 USD	<input checked="" type="checkbox"/> Paid	<input checked="" type="checkbox"/> Shipped	Receipt #110942707
<b>Shipping Method:</b> Standard Shipping			<b>Marked as shipped on Nov 20, 2013.</b>				
<b>Surf Mud with Zinc Oxide 2oz</b> 			<b>Shipped To</b> 				
<b>Material:</b> Zinc Oxide							
Quantity 1			Price \$20.00 USD				
Add a private note about this order.							



☐



Ordered  
Dec 14, 2013

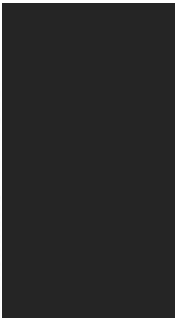
Total  
\$46.00 USD


☒ Paid


☒ Shipped

Receipt  
#117306514

Shipping Method: Standard Shipping

Marked as shipped on Dec 16, 2013.  
Shipped To 





Surf Mud with Zinc Oxide 2oz 

Material: Tea tree oil

Quantity  
1

Price  
\$20.00 USD



Cooling Butter with Arnica 2oz 

Material: Essential Oils

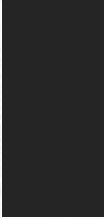
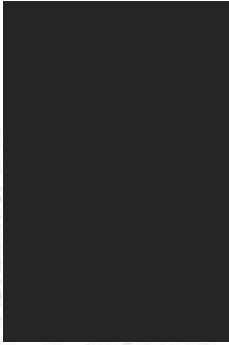



Quantity  
1

Price  
\$20.00 USD



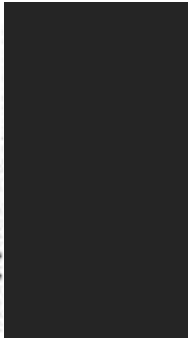


Add a private note about this order.

Trade Secret / Commercially Sensitive

EIR000020

<input type="checkbox"/>		<b>Ordered</b> Dec 15, 2013	<b>Total</b> \$46.00 USD	<input checked="" type="checkbox"/> Paid	<input checked="" type="checkbox"/> Shipped	Receipt #117410231
<b>Shipping Method:</b> Standard Shipping						
<b>Marked as shipped on Dec 16, 2013.</b>						
<b>Shipped To</b> 						
<div></div> <div><b>Material:</b> Coconut Oil</div> <div>Quantity 2</div> <div>Price \$20.00 USD</div> <div></div> <div>Shipping \$6.00 USD</div>						
Add a private note about this order.						



<input type="checkbox"/>			<b>Ordered</b> Dec 28, 2013	<b>Total</b> \$24.00 USD	<input checked="" type="checkbox"/> Paid	<input checked="" type="checkbox"/> Shipped	<b>Receipt</b> #119196588
<b>Shipping Method:</b> Standard Shipping			<b>Marked as shipped on Dec 30, 2013.</b>				
<b>Shipping To</b> 							
							
<b>Surf Mud with Zinc Oxide 2oz</b>							
<b>Material:</b> Zinc Oxide							
<b>Quantity</b> 1			<b>Price</b> \$20.00 USD				
<b>Add a private note about this order.</b>							

Ordered

Jan 2, 2014

Total

\$107.00 USD

Paid

Shipped

Receipt

#119802811

Shipping Method: Standard Shipping

Marked as shipped on Jan 6, 2014.

Shipped To

Antiseptic Butter 2oz

Quantity

2

Price

\$20.00 USD

Rolling with it

Quantity

1

Price

\$15.00 USD

Surf Mud with Zinc Oxide 2oz

Material: Cocoa Butter

Quantity

1

Price

\$20.00 USD

Surf Mud with Zinc Oxide 2oz

Material: Coconut Oil

Quantity

1

Price

\$20.00 USD

Add a private note about this order.

Trade Secret / Commercially Sensitive

EIR000024

**Invoice****E i R  
N Y <sup>+</sup> C**

EiR NYC made with love in Brooklyn

Jun Lee  
270 Clinton Ave  
Brooklyn, NY 11205(917) 922-8837  
[www.eirnyc.com](http://www.eirnyc.com)  
[jun@eirnyc.com](mailto:jun@eirnyc.com)Invoice No. 128  
Invoice Date: June 11, 2014

Bill To:

Phone:  
E-mail:  
Fax:

Description	Size	Units	Cost Per Unit		Amount
Cooling Butter + Arnica	2OZ	12	\$	10.00	\$ 120.00
Surf Mud	2OZ	12	\$	10.00	\$ 120.00
Cooling Lip Balm	1.5 OZ	12	\$	5.00	\$ 60.00
					\$ -

PRODUCTS ON CONSIGNMENT. PAYMENT UPON SALE

NO LATER THAN 8/31/14

Invoice Subtotal	\$	300.00
Tax Rate		
Sales Tax		
Other		
Deposit Received		
<b>TOTAL</b>	<b>\$</b>	<b>300.00</b>

We accept Credit Cards

**Thank you for your business!**

Trade Secret / Commercially Sensitive

EIR00025

# EiR NYC



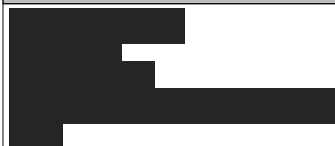
EiR NYC  
270 Clinton Ave  
Brooklyn, NY 11205

(917)922-8837  
info@eirnyc.com

## Sales Receipt

Date	Sale No.
05/06/2014	1001

Sold To



Payment Method
American Express - xxxx-3001

Activity	Quantity	Rate	Amount
• Surf Mud = organic, waterproof, hydrating sunblock for the face and hair. SPF 30. 24 x (2oz) in case	1	240.00	240.00
• 8 Cooling Butter+Arnica, 8 Balancing Butter, 8 Antiseptic Butter (2oz)	1	240.00	240.00
• Cooling Lip Balm = moisturizing lip balm with zinc. 24 x (1/2 oz) in case	1	96.00	96.00
• Shipping and Handling	1	12.00	12.00
Thank you for your business!			
Total			\$588.00
Amount Received			\$588.00
Balance Due			\$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



**INVOICE**

BILL TO



PAID

INVOICE # 1003  
DATE 06/16/2014  
DUE DATE 07/16/2014  
TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Sample Case</b> 8 surf muds, 6 balancing butters, 6 cooling butters and 4 antiseptic butters @ \$10/item	1	240.00	240.00

Thank you for your business!

PAYMENT	240.00
BALANCE DUE	<b>\$0.00</b>





**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



**INVOICE**

BILL TO



PAID

INVOICE # 1004  
DATE 06/17/2014  
DUE DATE 06/17/2014  
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
<b>Sample Case</b> 6 Surf Mud, 6 Cooling Butter+Arnica, 6 Antiseptic Butter, 6 cooling Lip balm \$10x18=\$180, \$5x6=\$30	1	210.00	210.00

Thank you for your business!

PAYMENT	210.00
BALANCE DUE	<b>\$0.00</b>

# EiR NYC



EiR NYC  
270 Clinton Ave  
Brooklyn, NY 11205

(917)922-8837  
info@eirnyc.com

## Invoice

Date	Invoice No.
06/17/2014	1005
Terms	Due Date
Prior to shipping	06/20/2014

### Bill To



Amount Due	Enclosed
\$1,232.00	

Please detach top portion and return with your payment.

Activity	Quantity	Rate	Amount
• Surf Mud 2oz 24 units in case	2	240.00	480.00
• Cooling Butter 2oz 24 units in case	2	240.00	480.00
• Cooling Lip Balm 1/2 oz 24 units in case	2	120.00	240.00
• Shipping and Handling	1	32.00	32.00
Total			\$1,232.00

Terms of Sale: All prices FOB factory Brooklyn  
Payment Terms: Prior to shipment

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



INVOICE # 1007  
DATE 07/11/2014  
DUE DATE 07/11/2014  
TERMS Due on receipt

PAID

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b> Surf mud Wholesale single units 2oz	6	10.00	60.00
<b>Cooling lip balm tin</b> Lip balm tester	1	0.00	0.00

---

PAYMENT	60.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1008

DATE 07/11/2014

DUE DATE 08/10/2014

TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	1	0.00	0.00
Wholesale single units 2oz			
<b>Cooling butter</b>	1	0.00	0.00
Wholesale single units 2oz			
<b>Antiseptic Butter</b>	1	0.00	0.00
Wholesale single units 2oz			
<b>Balancing Butter</b>	1	0.00	0.00
Wholesale single units 2oz			
<b>Cooling Lip Balm (deleted)</b>	1	0.00	0.00
Wholesale single units 1/2oz			
<b>Uplifting Butter</b>	1	0.00	0.00
Wholesale single units 4oz			

Thank you for your sample order!

BALANCE DUE

**\$0.00**


# EiR NYC



EiR NYC  
270 Clinton Ave  
Brooklyn, NY 11205  
(917)922-8837  
info@eirnyc.com

## Invoice

Date	Invoice No.
07/17/2014	1009
Terms	Due Date
Prior to shipping	07/17/2014

Bill To


PAID

Balance Due	Enclosed
\$0.00	

Please detach top portion and return with your payment.

Activity	Quantity	Rate	Amount
• Surf Mud 20z 24 units	1	240.00	240.00
• Cooling Butter 2oz 24 units	1	240.00	240.00
• Balancing Butter 2oz 24 units	1	240.00	240.00
• Antiseptic Butter 2oz 24 units	1	240.00	240.00
• Cooling lip balm 1/2oz 24 units	1	120.00	120.00
• Uplifting Butter 4oz 24 units	1	408.00	408.00
	1	65.00	65.00
Total			\$1,553.00
Payment			\$1,553.00
Balance Due			\$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1010  
DATE 07/22/2014  
DUE DATE 08/06/2014  
TERMS Net 15

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Case</b> Surf Mud = organic, waterproof, hydrating sunblock for the face and hair.	1	240.00	240.00
<b>Cooling butter</b> Cooling Butter Wholesale single units 2oz	5	10.00	50.00
<b>Balancing Butter</b> Balancing Butter Wholesale single units 2oz	5	10.00	50.00
<b>Cooling Lip Balm tube</b> Cooling Lip Balm Wholesale 1/2 oz unit	5	5.00	25.00
<b>Shipping and Handling</b>	1	10.00	10.00

PAYMENT	375.00
BALANCE DUE	<b>\$0.00</b>

# EiR NYC



EiR NYC  
270 Clinton Ave  
Brooklyn, NY 11205

(917)922-8837  
info@eirnyc.com

## Invoice

Date	Invoice No.
07/23/2014	1012
Terms	Due Date
Due on receipt	07/23/2014

### Bill To



Amount Due	Enclosed
\$380.00	

----- Please detach top portion and return with your payment. -----

Activity	Quantity	Rate	Amount
• Surf Mud = organic, waterproof, hydrating sunblock for the face and hair. SPF 30.	1	240.00	240.00
• Cooling lip balm 1/2oz 24 units	1	120.00	120.00
	1	20.00	20.00
Total			\$380.00

# EiR NYC




EiR NYC  
270 Clinton Ave  
Brooklyn, NY 11205

(917)922-8837  
info@eirnyc.com

## Invoice

Date	Invoice No.
07/30/2014	1013
Terms	Due Date
Due on receipt	07/30/2014

Bill To


PAID

Balance Due	Enclosed
\$0.00	

Please detach top portion and return with your payment.

Activity	Quantity	Rate	Amount
• Surf Mud = organic, waterproof, hydrating sunblock for the face and hair. SPF 30.	2	240.00	480.00
• Cooling Butter 2oz 24 units	2	240.00	480.00
• Cooling lip balm 1/2oz 24 units	2	120.00	240.00
	1	32.00	32.00
Total			\$1,232.00
Payment			\$1,232.00
Balance Due			\$0.00



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1014  
DATE 08/12/2014  
DUE DATE 11/10/2014  
TERMS Consignment

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	12	10.00	120.00
Surf Mud Wholesale single units 2oz			
<b>Cooling butter</b>	12	10.00	120.00
Cooling Butter Wholesale single units 2oz			
<b>Cooling Lip Balm tube</b>	12	5.00	60.00
Cooling Lip Balm Wholesale 1/2 oz unit			

PAYMENT	300.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1016

DATE 08/28/2014

DUE DATE 08/28/2014

TERMS Exchange of goods

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	8	0.00	0.00
Wholesale single units 2oz			
<b>Uplifting Butter</b>	2	0.00	0.00
Wholesale single units 4oz			
<b>Shipping (deleted)</b>	1	0.00	0.00
Shipping and Handling			
Total of \$114			

BALANCE DUE

\$0.00

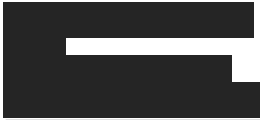
**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1017  
DATE 09/12/2014  
DUE DATE 09/12/2014  
TERMS Consignment

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	3	10.00	30.00
Surf Mud Wholesale single units 2oz			
<b>Cooling butter</b>	6	10.00	60.00
Cooling Butter Wholesale single units 2oz			

---

PAYMENT	90.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1019  
DATE 09/19/2014  
DUE DATE 09/19/2014  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Case</b> Surf Mud = organic, waterproof, hydrating sunblock for the face and hair. SPF 30.	2	240.00	480.00
<b>Cooling butter Case</b> Cooling Butter 2oz 24 units	1	240.00	240.00
<b>Antiseptic butter Case</b> Antiseptic Butter 2oz 24 units	1	240.00	240.00
<b>Shipping and Handling</b> Shipping and Handling	1	50.00	50.00

Thank you for your order! We are delighted to work with you. You can pay us directly on this invoice, or we can run the credit card you provided.

PAYMENT	1,010.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1020  
DATE 09/30/2014  
DUE DATE 09/30/2014  
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	10	10.00	100.00
Surf Mud Wholesale single units 2oz			
<b>Cooling butter</b>	10	10.00	100.00
Cooling Butter Wholesale single units 2oz			

---

PAYMENT	200.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1024

DATE 10/30/2014

DUE DATE 11/29/2014

TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	12	10.00	120.00
Wholesale single units 2oz			
<b>Cooling butter</b>	12	10.00	120.00
Wholesale single units 2oz			
<b>Cooling Lip Balm tube</b>	12	5.00	60.00
Cooling Lip Balm Wholesale 1/2 oz unit			
<b>Rolling with it</b>	12	10.00	120.00
Rolling with it Wholesale 3/4 oz unit			
<b>Antiseptic Butter</b>	12	10.00	120.00
Wholesale single units 2oz			

Hello,

PAYMENT  
BALANCE DUE540.00  
\$0.00

This invoice is almost 30 days overdue.  
Please pay promptly. Thank you!

EiR NYC

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1026  
DATE 11/20/2014  
DUE DATE 01/04/2015  
TERMS Net 45

ACTIVITY	QTY	RATE	AMOUNT
<b>Mixed Case</b> Mixed Case: 4 surf mud 2oz, 2 Cooling Butter 2oz, 4 Antiseptic Butter 2oz, 4 Balancing Butter 2oz, 4 lipbalm 1/2oz, 4 uplifting Butter 4oz, 4 Rolling with it 1/3oz	1	288.00	288.00
<b>Shipping and Handling</b> Shipping and Handling	1	17.00	17.00

PO# 200178655  
FOR FRED SEGAL STORE# 1259

PAYMENT 305.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1028  
DATE 12/01/2014  
DUE DATE 12/01/2014  
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	12	10.00	120.00
Surf Mud Wholesale single units 2oz			
<b>Cooling butter</b>	12	10.00	120.00
Cooling Butter Wholesale single units 2oz			
<b>Uplifting Butter</b>	12	17.00	204.00
Uplifting Butter Wholesale single units 4oz			
<b>Shipping and Handling</b>	1	20.00	20.00
Shipping and Handling			

-----  
We can ship 12/2/2014 Thank you!

PAYMENT	464.00
BALANCE DUE	<b>\$0.00</b>



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO  


INVOICE # 1029  
DATE 12/11/2014  
DUE DATE 12/11/2014  
TERMS Due on receipt

PAID

ACTIVITY	QTY	RATE	AMOUNT
<b>Survivors Kit</b> Survivors Kit Retail : Survivor's Kit includes: 1/2 oz Surf Mud, Cooling Butter, Balancing Butter, Antiseptic Butter, Lip Balm, Sport Balm and Tough Love.	1	75.00	75.00
<b>Shipping and Handling</b> Shipping and Handling	1	2.50	2.50

Thank you for our order! Hope you enjoy the products!

PAYMENT	77.50
BALANCE DUE	\$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1031  
DATE 12/11/2014  
DUE DATE 12/11/2014  
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
<b>Holiday Gift Bag</b>	10	15.00	150.00
Holiday Gift Bag: Travel size 1/2oz Surf Mud, Lip Balm and Cooling Butter			
<b>Shipping (deleted)</b>	1	8.00	8.00
Shipping and Handling			

Thank you and Happy Holidays!

PAYMENT 158.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1033  
DATE 12/23/2014  
DUE DATE 01/22/2015  
TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b> Surf Mud Wholesale single units 2oz	20	10.00	200.00
<b>Cooling Lip Balm tube</b> Cooling Lip Balm Wholesale 1/2 oz unit	20	5.00	100.00
<b>Rolling with it</b> Rolling with it Wholesale 3/4 oz unit	15	10.00	150.00
<b>Shipping and Handling</b> Shipping and Handling	1	35.00	35.00

PAYMENT	485.00
BALANCE DUE	<b>\$0.00</b>

EiR NYC  
 252 Java Street Suite 125  
 Brooklyn, NY 11222  
 (917)9228837  
 www.eirnyc.com



## Credit Memo

Date	Credit #
02/04/2015	1038

Credit To
[REDACTED]

Activity	Service	Qty	Rate	Amount
• Swapping Items: out of 3 OH cooling butter (- \$30) 1 out of 3 OH balancing butter(-\$10) 3 out of 3 OH rolling with it (-\$30) 2 out of 3 OH uplifting butter (-\$36)	Swap	1	-106.00	-106.00
• Surf mud Wholesale single units 2oz \$ 10x 5 = \$50	Surf Mud	5	10.00	50.00
• Cooling Lip Balm Wholesale 1/2 oz unit	Cooling Lip Balm tube	8	5.00	40.00
• Credit for other styles	Sales		16.00	16.00
Pending new style Rolling Liniment 2x \$10			Total Credit	\$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1041  
DATE 02/23/2015  
DUE DATE 02/23/2015  
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Pro Case</b>	2	400.00	800.00
Surf Mud Pro Case (24 units) 1.5 oz sunstick			
<b>Surf Mud Case</b>	2	275.00	550.00
Surf Mud Case (24 units) 2oz			
<b>Rolling Liniment Case</b>	1	275.00	275.00
Rolling Liniment Case (24 units) 1/3 oz			
<b>Rolling with It case</b>	1	275.00	275.00
Rolling with it case (24 units) 1/3 oz			
<b>Sunset Oil</b>	1	400.00	400.00
Sunset Oil after sun oil 8oz Case (24 units)			
<b>Cooling lip balm tube case</b>	1	165.00	165.00
Cooling lip balm tube 1/2oz Case (24 units)			
<b>Cooling Lip balm Tin Case</b>	1	120.00	120.00
Cooling Lip balm tin Case (24 units) 1/2oz			
<b>Shipping and Handling</b>	1	106.00	106.00
Shipping and Handling			

PAYMENT 2,691.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1042  
DATE 02/24/2015  
DUE DATE 02/24/2015  
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b> Surf Mud Tin single units 2oz	8	12.00	96.00
<b>Survival Kit Surf Mud, Lip Balm, Sport Balm, Stand Up Hair, Tough Love</b> Survival Kit Surf Mud, Lip Balm, Sport Balm, Stand Up Hair, Tough Love	8	25.00	200.00
<b>Surf Mud Pro Stick</b> Surf mud pro stick	8	17.00	136.00
<b>Shipping and Handling</b> Shipping and Handling	1	20.00	20.00

PAYMENT 452.00  
BALANCE DUE **\$0.00**

EiR NYC

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



INVOICE

BILL TO



PAID

INVOICE # 1043  
DATE 03/12/2015  
DUE DATE 03/12/2015  
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Pro Stick</b> Surf mud pro stick	12	17.00	204.00
<b>Cooling Lip Balm tube</b> Cooling Lip Balm 1/2 oz unit	12	7.00	84.00
<b>Cooling butter</b> Cooling Butter single units 2oz	12	12.00	144.00
<b>Antiseptic Butter</b> Antiseptic Butter single units 2oz	12	12.00	144.00
<b>Shipping and Handling</b> shipping and handling	1	27.00	27.00

PAYMENT 603.00  
BALANCE DUE \$0.00



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1044  
DATE 03/18/2015  
DUE DATE 03/18/2015  
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	12	12.00	144.00
Surf Mud Wholesale single units 2oz			
<b>Cooling butter</b>	12	12.00	144.00
Cooling Butter Wholesale single units 2oz			
<b>Antiseptic Butter</b>	12	12.00	144.00
Antiseptic Butter Wholesale single units 2oz			
<b>Rolling with it</b>	12	12.00	144.00
Rolling with it Wholesale 1/3 oz unit			
<b>Cooling Lip Balm tube</b>	12	7.00	84.00
Cooling Lip Balm Wholesale 1/2 oz unit			
<b>Surf Mud Pro Stick</b>	6	17.00	102.00
Surf mud pro stick			
<b>Rolling with it</b>	6	12.00	72.00
Rolling with it Wholesale 1/3 oz unit			

PO 771

PAYMENT	834.00
BALANCE DUE	<b>\$0.00</b>



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1045  
DATE 03/23/2015  
DUE DATE 03/23/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	10	12.00	120.00
Surf Mud Tin single units 2oz			
<b>Surf Mud Pro (deleted)</b>	10	15.00	150.00
Surf Mud Pro 1.5 oz sunstick			
<b>Cooling Lip Balm tube</b>	10	7.00	70.00
Cooling Lip Balm Wholesale 1/2 oz unit			
<b>Cooling butter</b>	10	12.00	120.00
Cooling Butter Tin single units 2oz			
<b>Balancing Butter</b>	10	12.00	120.00
Balancing Butter Tin single units 2oz			
<b>Shipping and Handling</b>	1	20.00	20.00
Shipping and Handling			

PAYMENT	600.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1050

DATE 04/03/2015

DUE DATE 04/03/2015

TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Cooling Lip Balm tube</b>	12	7.00	84.00
Cooling Lip Balm 1/2 oz unit			
<b>Surf Mud Pro (deleted)</b>	12	17.00	204.00
1.5 oz sunstick			
<b>Surf Mud</b>	12	12.00	144.00
Surf Mud unit 2oz			
<b>Sunset Oil Single</b>	6	17.00	102.00
Sunset Oil 8oz			
<b>Shipping and Handling</b>	1	20.00	20.00

PAYMENT	554.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1052

DATE 04/14/2015

DUE DATE 04/14/2015

TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud single unit 2oz			
<b>Surf Mud Pro (deleted)</b>	6	15.00	90.00
1.5 oz sunstick			
<b>Cooling Lip Balm tube</b>	6	7.00	42.00
Cooling Lip Balm Single 1/2 oz unit			
<b>Sunset Oil Single</b>	6	17.00	102.00
Sunset Oil single 8oz			
<b>Cooling butter</b>	6	12.00	72.00
Cooling Butter single unit 2oz			
<b>Antiseptic Butter</b>	6	12.00	72.00
Antiseptic Butter single unit 2oz			
<b>Sport Balm</b>	6	12.00	72.00
Sport Balm single unit 2oz			
<b>Stand Up Hair</b>	6	12.00	72.00
Stand Up Hair Wholesale single units 2oz			
<b>Uplifting Butter</b>	6	17.00	102.00
Uplifting Butter single unit 4oz			
<b>Shipping and Handling</b>	1	24.00	24.00
<b>Testers of all products</b>	1	0.00	0.00

PAYMENT  
BALANCE DUE

720.00  
**\$0.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1053  
DATE 04/15/2015  
DUE DATE 04/15/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	12	12.00	144.00
Surf Mud single unit 2oz			
<b>Surf Mud Pro Stick</b>	12	15.00	180.00
Surf mud pro stick			
<b>Shipping and Handling</b>	1	12.00	12.00
<b>Testers of all products</b>	1	0.00	0.00

PAYMENT 336.00  
BALANCE DUE \$0.00

**EiR NYC**  
252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



INVOICE

BILL TO  
[Redacted]

PAID

INVOICE # 1054  
DATE 04/15/2015  
DUE DATE 04/15/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Cooling butter</b>	10	12.00	120.00
Cooling Butter single unit 2oz			
<b>Surf Mud Pro Stick</b>	10	15.00	150.00
Surf mud pro stick			
<b>Shipping and Handling</b>	1	10.00	10.00
<b>Testers of all products</b>	1	0.00	0.00

PAYMENT 280.00  
BALANCE DUE \$0.00

4/20/15

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1057  
DATE 04/20/2015  
DUE DATE 04/20/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Antiseptic Butter</b> Antiseptic Butter single unit 2oz	1	12.00	12.00
<b>Balancing Butter</b> Balancing Butter single unit 2oz	1	12.00	12.00
<b>Cooling butter</b> Cooling Butter single unit 2oz	1	12.00	12.00
<b>Cooling Lip Balm tube</b> Cooling Lip Balm Single 1/2 oz unit	1	7.00	7.00
<b>Rolling Liniment</b> Rolling Liniment 1/3 oz single unit roll on oil	1	12.00	12.00
<b>Rolling with it</b> Rolling with it 1/3 oz single unit roll on oil	1	12.00	12.00
<b>Sport Balm</b> Sport Balm single unit 2oz	1	12.00	12.00
<b>Stand Up Hair</b> Stand Up Hair Wholesale single units 2oz	1	12.00	12.00
<b>Sunset Oil Single</b> Sunset Oil single 8oz	1	17.00	17.00
<b>Surf Mud</b> Surf Mud single unit 2oz	1	12.00	12.00
<b>Surf Mud Pro Stick</b> Surf mud pro stick 1.5oz cardboard tube	1	15.00	15.00
<b>Tough Love</b> Tough Love Single unit 2oz	1	12.00	12.00

ACTIVITY	QTY	RATE	AMOUNT
<b>Uplifting Butter</b>	1	17.00	17.00
Uplifting Butter single unit 4oz			
<b>20% Discount</b>	1	-32.80	-32.80
20% Discount			
<b>Shipping and Handling</b>	1	0.00	0.00
Shipping and Handling			

	PAYMENT	131.20
	BALANCE DUE	<b>\$0.00</b>





**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1058  
DATE 04/22/2015  
DUE DATE 04/22/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Pro Stick</b> Surf mud pro stick 1.5oz cardboard tube	8	15.00	120.00
<b>Sunset Oil Single</b> Sunset Oil single 8oz	8	17.00	136.00
<b>Stand Up Hair</b> Stand Up Hair Wholesale single units 2oz	8	12.00	96.00
<b>Sunblock Remover</b> Sunblock Remover 4oz single unit Tin bottle	8	11.00	88.00
<b>Shipping and Handling</b> Shipping and Handling	1	38.00	38.00

---

PAYMENT	478.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1059  
DATE 04/22/2015  
DUE DATE 04/22/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud single unit 2oz			
<b>Surf Mud Pro Stick</b>	6	15.00	90.00
Surf mud pro stick 1.5oz cardboard tube			
<b>Sunset Oil Single</b>	6	17.00	102.00
Sunset Oil single 8oz			
<b>Sunblock Remover</b>	6	11.00	66.00
Sunblock Remover 4oz Tin bottle			
<b>Stand Up Hair</b>	6	12.00	72.00
Stand Up Hair single units 2oz			
<b>Shipping and Handling</b>	1	20.00	20.00
Shipping and Handling			

PAYMENT 422.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1060  
DATE 04/23/2015  
DUE DATE 05/08/2015  
TERMS Net 15

ACTIVITY	QTY	RATE	AMOUNT
<b>Sunset Oil Single</b>	6	17.00	102.00
Sunset Oil 8oz single unit			
<b>Surf Mud Pro Stick</b>	6	15.00	90.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Sunblock Remover</b>	3	11.00	33.00
Sunblock Remover 4oz single unit Tin bottle			
<b>Rolling Liniment</b>	6	12.00	72.00
Rolling Liniment 1/3 oz single unit roll on oil			
<b>Cooling butter</b>	4	12.00	48.00
Cooling Butter single unit 2oz			
<b>Cooling Lip Balm tube</b>	6	7.00	42.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Shipping and Handling</b>	1	15.00	15.00
Shipping and Handling			

PAYMENT 402.00  
BALANCE DUE \$0.00

EiR NYC

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



INVOICE

BILL TO

PAID

INVOICE # 1062  
DATE 05/01/2015  
DUE DATE 05/01/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud 2oz single unit			
<b>Cooling Lip Balm tube</b>	6	7.00	42.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Rolling Liniment</b>	6	12.00	72.00
Rolling Liniment 1/3 oz single unit roll on oil			
<b>Cooling butter</b>	6	12.00	72.00
Cooling Butter single unit 2oz			
<b>Shipping and Handling</b>	1	15.00	15.00
Shipping and Handling			

PAYMENT 273.00  
BALANCE DUE \$0.00



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1063  
DATE 05/04/2015  
DUE DATE 05/04/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	8	12.00	96.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	8	15.00	120.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Shipping and Handling</b>	1	8.00	8.00
Shipping and Handling			

PAYMENT 224.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

INVOICE # 1066

DATE 05/06/2015

DUE DATE 08/04/2015

TERMS Consignment

ACTIVITY	QTY	RATE	AMOUNT
<b>Sport Balm</b>	6	12.00	72.00
Sport Balm single unit 2oz			
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud 2oz single unit			
<b>Antiseptic Butter</b>	6	12.00	72.00
Antiseptic Butter single unit 2oz			

BALANCE DUE

**\$216.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1067  
DATE 05/08/2015  
DUE DATE 05/08/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	8	12.00	96.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	8	15.00	120.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Shipping and Handling</b>	1	10.00	10.00
Shipping and Handling			

PAYMENT 226.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1069  
DATE 05/08/2015  
DUE DATE 05/08/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	12	12.00	144.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	12	15.00	180.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Cooling Lip Balm tube</b>	6	7.00	42.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Shipping and Handling</b>		8.00	8.00
Shipping and Handling			

PAYMENT 374.00  
BALANCE DUE \$0.00



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1070  
DATE 05/15/2015  
DUE DATE 05/15/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Cooling butter</b>	6	12.00	72.00
Cooling Butter single unit 2oz			
<b>Cooling Lip Balm tube</b>	6	7.00	42.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Sunset Oil Single</b>	6	17.00	102.00
Sunset Oil 8oz single unit			
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud 2oz single unit			
<b>Tough Love</b>	6	12.00	72.00
Tough Love Single unit 2oz			
<b>Uplifting Butter</b>	6	17.00	102.00
Uplifting Butter single unit 4oz			
<b>Surf Mud Body Oil</b>	6	17.00	102.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

PAYMENT 576.00  
BALANCE DUE **\$0.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1071  
DATE 05/18/2015  
DUE DATE 07/02/2015  
TERMS Net 45

ACTIVITY	QTY	RATE	AMOUNT
<b>The Surf Lodge Kit</b>	40	33.00	1,320.00
Surf Mud Pro in 1/2 oz cardboard tube: \$7			
Sunset Oil in 2 oz amber bottle: \$6.5			
Sunblock Remover in 2 oz aluminum spray: \$7			
Surf Mud Body Oil in 2 oz amber bottle: \$6.5			
Cooling Lip balm in 1/2 oz cardboard tube: \$6			
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

PAYMENT	1,332.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

INVOICE # 1072  
DATE 05/19/2015  
DUE DATE 08/17/2015  
TERMS Consignment

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Pro Stick</b>	6	15.00	90.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Cooling Lip Balm tube</b>	6	7.00	42.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Shipping and Handling</b>	1	6.00	6.00
Shipping and Handling			

BALANCE DUE **\$138.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1073

DATE 05/20/2015

DUE DATE 05/20/2015

TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud 2oz single unit			
<b>Sunset Oil Single</b>	6	17.00	102.00
Sunset Oil 8oz single unit			
<b>Cooling Lip Balm tube</b>	6	7.00	42.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

PAYMENT

228.00

BALANCE DUE

**\$0.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1074  
DATE 05/27/2015  
DUE DATE 05/27/2015  
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Pro Stick</b> Surf mud pro stick 1.5oz single unit cardboard tube	1	30.00	30.00
<b>Rolling Liniment</b> Rolling Liniment 1/3 oz single unit roll on oil	1	24.00	24.00

Hello,

PAYMENT  
BALANCE DUE

54.00  
\$0.00

As explained earlier, Due to a pricing mistake, you were charged half price.  
The Items listed above are actually priced at \$30 for the Surf Mud Pro and  
\$24 for the Rolling liniment. This brings your order total to \$54. You will see  
2 charges for \$27 on your statement.

Thank you!



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

INVOICE # 1076  
DATE 06/02/2015  
DUE DATE 08/31/2015  
TERMS Consignment

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	12	12.00	144.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	12	15.00	180.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Sunset Oil Single</b>	12	17.00	204.00
Sunset Oil 8oz single unit			
<b>Surf Mud Body Oil</b>	12	17.00	204.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Stand Up Hair</b>	6	12.00	72.00
Stand Up Hair single units 2oz			
<b>Balancing Butter</b>	6	12.00	72.00
Balancing Butter single unit 2oz			
<b>Cooling butter</b>	6	12.00	72.00
Cooling Butter single unit 2oz			
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

---

**BALANCE DUE****\$960.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1077  
DATE 06/02/2015  
DUE DATE 06/02/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Stand Up Hair</b>	30	12.00	360.00
Stand Up Hair single units 2oz			
<b>Sport Balm</b>	18	12.00	216.00
Sport Balm single unit 2oz			
<b>Rolling with it</b>	12	12.00	144.00
Rolling with it 1/3 oz unit single roll on oil			
<b>Rolling Liniment</b>	6	12.00	72.00
Rolling Liniment 1/3 oz single unit roll on oil			
<b>Cooling butter</b>	6	12.00	72.00
Cooling Butter single unit 2oz			
<b>Tough Love</b>	12	12.00	144.00
Tough Love Single unit 2oz			
<b>Cooling Lip Balm tube</b>	24	7.00	168.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Coffee Lip Balm</b>	12	7.00	84.00
Coffee Lip Balm tube single 1/2 oz unit			
<b>Balancing Butter</b>	12	12.00	144.00
Balancing Butter single unit 2oz			
<b>Surf Mud Pro Stick</b>	6	15.00	90.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Surf Mud</b>	24	12.00	288.00
Surf Mud 2oz single unit			
<b>Sunblock Remover</b>	12	11.00	132.00
Sunblock Remover 4oz single unit Tin bottle			

ACTIVITY	QTY	RATE	AMOUNT
<b>Antiseptic Butter</b>	12	12.00	144.00
Antiseptic Butter single unit 2oz			
<b>Surf Mud Body Oil</b>	18	17.00	306.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Sunset Oil Single</b>	18	17.00	306.00
Sunset Oil 8oz single unit			
<b>Shipping and Handling</b>	15	0.00	0.00
Shipping and Handling			
<hr/>			
18 Sunset Oil		PAYMENT	2,670.00
		BALANCE DUE	<b>\$0.00</b>





**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1079  
DATE 06/05/2015  
DUE DATE 06/05/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	12	12.00	144.00
Surf Mud 2oz single unit			
<b>Shipping and Handling</b>	1	8.00	8.00
Shipping and Handling			

---

PAYMENT	152.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1080

DATE 06/05/2015

DUE DATE 06/05/2015

TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	6	15.00	90.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Sunset Oil Single</b>	3	17.00	51.00
Sunset Oil 8oz single unit			
<b>Surf Mud Body Oil</b>	3	17.00	51.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Rolling Liniment</b>	6	12.00	72.00
Rolling Liniment 1/3 oz single unit roll on oil			
<b>Tough Love</b>	3	12.00	36.00
Tough Love Single unit 2oz			
<b>Cooling butter</b>	6	12.00	72.00
Cooling Butter single unit 2oz			
<b>Antiseptic Butter</b>	6	12.00	72.00
Antiseptic Butter single unit 2oz			
<b>Shipping and Handling</b>	1	40.00	40.00
Shipping and Handling			

PAYMENT	556.00
BALANCE DUE	<b>\$0.00</b>

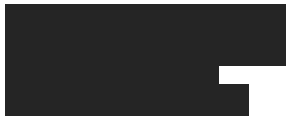
**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1082  
DATE 06/05/2015  
DUE DATE 06/05/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	12	12.00	144.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	12	15.00	180.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Sunblock Remover</b>	6	11.00	66.00
Sunblock Remover 4oz single unit Tin bottle			
<b>Cooling Lip Balm tube</b>	12	7.00	84.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Cooling butter</b>	6	12.00	72.00
Cooling Butter single unit 2oz			
<b>Sunset Oil Single</b>	6	17.00	102.00
Sunset Oil 8oz single unit			
<b>Shipping and Handling</b>		12.00	12.00
Shipping and Handling			

PAYMENT 660.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1083  
DATE 06/10/2015  
DUE DATE 06/10/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	10	12.00	120.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	15	15.00	225.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Shipping and Handling</b>	1	10.00	10.00
Shipping and Handling			

For Follain DC Store  
1309 5th St NE  
Washington DC 20002

PAYMENT 355.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1084  
DATE 06/10/2015  
DUE DATE 06/10/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Pro Stick</b> Surf mud pro stick 1.5oz single unit cardboard tube	20	15.00	300.00
<b>Shipping and Handling</b> Shipping and Handling	0	8.00	8.00

For Nantucket store:  
9A S Beach Street  
Nantucket MA 02554

PAYMENT	308.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

INVOICE # 1085  
DATE 06/12/2015  
DUE DATE 07/12/2015  
TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Cooling Lip Balm tube</b>	4	7.00	28.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud 2oz single unit			
<b>Rolling Liniment</b>	4	12.00	48.00
Rolling Liniment 1/3 oz single unit roll on oil			
<b>Coffee Lip Balm</b>	4	7.00	28.00
Coffee Lip Balm tube single 1/2 oz unit			
<b>Surf Mud Pro Stick</b>	4	15.00	60.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Sunset Oil Single</b>	2	17.00	34.00
Sunset Oil 8oz single unit			
<b>Shipping and Handling</b>		5.00	5.00
Shipping and Handling			

---

**BALANCE DUE****\$275.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1086  
DATE 06/17/2015  
DUE DATE 06/17/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Pro Stick</b> Surf mud pro stick 1.5oz single unit cardboard tube	12	15.00	180.00
<b>Surf Mud</b> Surf Mud 2oz single unit	12	12.00	144.00
<b>Coffee Lip Balm</b> Coffee Lip Balm tube single 1/2 oz unit	12	7.00	84.00
<b>Cooling Lip Balm tube</b> Cooling Lip Balm tube single 1/2 oz unit	12	7.00	84.00
<b>Shipping and Handling</b> Shipping and Handling	1	15.00	15.00

PAYMENT 507.00  
BALANCE DUE **\$0.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



**INVOICE**

BILL TO



PAID

INVOICE # 1087  
DATE 06/17/2015  
DUE DATE 06/17/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Body Oil</b>	12	17.00	204.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Shipping and Handling</b>	1	10.00	10.00
Shipping and Handling			

---

PAYMENT	214.00
BALANCE DUE	<b>\$0.00</b>



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1088  
DATE 06/19/2015  
DUE DATE 07/19/2015  
TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Cooling Lip Balm tube</b>	6	7.00	42.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Rolling Liniment</b>	6	12.00	72.00
Rolling Liniment 1/3 oz single unit roll on oil			
<b>Rolling with it</b>	6	12.00	72.00
Rolling with it 1/3 oz unit single roll on oil			
<b>Sport Balm</b>	6	12.00	72.00
Sport Balm single unit 2oz			
<b>Sunblock Remover</b>	6	11.00	66.00
Sunblock Remover 4oz single unit Tin bottle			
<b>Sunset Oil Single</b>	6	17.00	102.00
Sunset Oil 8oz single unit			
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud 2oz single unit			
<b>Surf Mud Body Oil</b>	6	17.00	102.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Surf Mud Pro Stick</b>	6	15.00	90.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Uplifting Butter</b>	6	17.00	102.00
Uplifting Butter single unit 4oz			
<b>Testers of all products</b>	1	0.00	0.00
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

PAYMENT  
BALANCE DUE

804.00  
\$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1089  
DATE 06/19/2015  
DUE DATE 07/19/2015  
TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Cooling butter</b>	6	12.00	72.00
Cooling Butter single unit 2oz			
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	6	15.00	90.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Antiseptic Butter</b>	6	12.00	72.00
Antiseptic Butter single unit 2oz			
<b>Balancing Butter</b>	6	12.00	72.00
Balancing Butter single unit 2oz			
<b>Rolling Liniment</b>	6	12.00	72.00
Rolling Liniment 1/3 oz single unit roll on oil			
<b>Testers of all products</b>	1	0.00	0.00
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

PAYMENT	462.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

INVOICE # 1090  
DATE 06/22/2015  
DUE DATE 07/07/2015  
TERMS Net 15

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	6	12.00	72.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	6	15.00	90.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

---

**BALANCE DUE****\$174.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1091  
DATE 06/22/2015  
DUE DATE 07/07/2015  
TERMS Net 15

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Body Oil</b>	4	17.00	68.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Sunset Oil Single</b>	4	17.00	68.00
Sunset Oil 8oz single unit			
<b>Surf Mud Pro Stick</b>	4	0.00	0.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Cooling Lip Balm tube</b>	5	7.00	35.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Sunblock Remover</b>	2	11.00	22.00
Sunblock Remover 4oz single unit Tin bottle			
<b>Testers of all products</b>	1	0.00	0.00
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

PAYMENT 205.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1092  
DATE 06/24/2015  
DUE DATE 06/24/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Body Oil</b>	15	17.00	255.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Shipping and Handling</b>	1	15.00	15.00
Shipping and Handling			

---

PAYMENT	270.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



**INVOICE**

BILL TO



PAID

INVOICE # 1093  
DATE 06/24/2015  
DUE DATE 06/24/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Body Oil</b>	15	17.00	255.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Shipping and Handling</b>	1	15.00	15.00
Shipping and Handling			

---

PAYMENT	270.00
BALANCE DUE	<b>\$0.00</b>

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



**INVOICE**

BILL TO



PAID

INVOICE # 1094  
DATE 06/24/2015  
DUE DATE 06/24/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Body Oil</b>	15	17.00	255.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Shipping and Handling</b>	1	15.00	15.00
Shipping and Handling			

---

PAYMENT	270.00
BALANCE DUE	<b>\$0.00</b>



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



INVOICE # 1096  
DATE 06/28/2015  
DUE DATE 07/28/2015  
TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b> Surf Mud 2oz single unit	6	12.00	72.00

---

BALANCE DUE **\$72.00**



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1097  
DATE 06/29/2015  
DUE DATE 06/29/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	7	12.00	84.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	7	15.00	105.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Surf Mud Body Oil</b>	4	17.00	68.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Shipping and Handling</b>	1	20.00	20.00
Shipping and Handling			

PAYMENT 277.00  
BALANCE DUE \$0.00

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

INVOICE # 1098

DATE 07/01/2015

DUE DATE 07/16/2015

TERMS Net 15

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Pro Stick</b>	5	15.00	75.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Sunblock Remover</b>	2	11.00	22.00
Sunblock Remover 4oz single unit Tin bottle			
<b>Sunset Oil Single</b>	4	17.00	68.00
Sunset Oil 8oz single unit			
<b>Surf Mud Body Oil</b>	4	17.00	68.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Cooling Lip Balm tube</b>	5	7.00	35.00
Cooling Lip Balm tube single 1/2 oz unit			
<b>Shipping and Handling</b>	1	6.00	6.00
Shipping and Handling			

Jun Dropped off in Montauk 5 Surf Mud Pro, 2 Sunblock Remover, 2  
Sunset Oil, 1 Surf Mud Body Oil.

**BALANCE DUE****\$274.00**

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1099  
DATE 07/03/2015  
DUE DATE 07/03/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	8	12.00	96.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	15	15.00	225.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

PAYMENT 333.00  
BALANCE DUE \$0.00

**EiR NYC**  
252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



INVOICE

BILL TO



INVOICE # 1100  
DATE 07/03/2015  
DUE DATE 07/03/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud Pro Stick</b>	24	15.00	360.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Sunblock Remover</b>	12	11.00	132.00
Sunblock Remover 4oz single unit Tin bottle			
<b>Shipping and Handling</b>		8.50	8.50
Shipping and Handling			
BALANCE DUE			\$500.50



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

INVOICE # 1101  
DATE 07/08/2015  
DUE DATE 08/07/2015  
TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>The Surf Lodge Kit</b>	20	33.00	660.00
Surf Mud Pro in 1/2 oz cardboard tube: \$7			
Sunset Oil in 2 oz amber bottle: \$6.5			
Sunblock Remover in 2 oz aluminum spray: \$7			
Surf Mud Body Oil in 2 oz amber bottle: \$6.5			
Cooling Lip balm in 1/2 oz cardboard tube: \$6			

BALANCE DUE \$660.00



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

INVOICE # 1102  
DATE 07/10/2015  
DUE DATE 08/09/2015  
TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	18	10.80	194.40
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	18	13.50	243.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Cooling Lip Balm tube</b>	18	6.30	113.40
Cooling Lip Balm tube single 1/2 oz unit			
<b>Sunset Oil Single</b>	9	15.75	141.75
Sunset Oil 8oz single unit			
<b>Sunblock Remover</b>	6	9.90	59.40
Sunblock Remover 4oz single unit Tin bottle			
<b>Surf Mud Body Oil</b>	9	15.75	141.75
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Shipping and Handling</b>	1	30.00	30.00
Shipping and Handling			

PO# 462  
10% Discounted Prices.

BALANCE DUE

**\$923.70**

0000

**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

BILL TO



PAID

INVOICE # 1104  
DATE 07/13/2015  
DUE DATE 07/28/2015  
TERMS Net 15

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	3	12.00	36.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	3	15.00	45.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Cooling butter</b>	3	12.00	36.00
Cooling Butter single unit 2oz			
<b>Antiseptic Butter</b>	3	12.00	36.00
Antiseptic Butter single unit 2oz			
<b>Sport Balm</b>	3	12.00	36.00
Sport Balm single unit 2oz			

PAYMENT	189.00
BALANCE DUE	<b>\$0.00</b>



**EiR NYC**

252 Java Street Suite 125  
Brooklyn, NY 11222  
(917)9228837  
jun@eirnyc.com  
www.eirnyc.com



# INVOICE

**BILL TO**

PAID

INVOICE # 1105  
DATE 07/13/2015  
DUE DATE 07/13/2015  
TERMS Prior to shipping

ACTIVITY	QTY	RATE	AMOUNT
<b>Surf Mud</b>	10	12.00	120.00
Surf Mud 2oz single unit			
<b>Surf Mud Pro Stick</b>	20	15.00	300.00
Surf mud pro stick 1.5oz single unit cardboard tube			
<b>Surf Mud Body Oil</b>	10	17.00	170.00
Surf Mud Body Oil SPF 15 8 oz bottle single unit			
<b>Shipping and Handling</b>	1	12.00	12.00
Shipping and Handling			

PAYMENT 602.00  
BALANCE DUE **\$0.00**

**E i R**  
**N Y  $\approx$  C**

Fax:

**Thank you for your business!**

# Order Invoice

Order Number: **00015** (placed on June 7, 2014 10:16AM EDT)

**BILLED TO:**



**SHIPPING TO:**



## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
Surf Mud + Zinc SQ4472539 2oz	1	\$20.00	\$20.00
Item Subtotal			\$20.00
Shipping & Handling			\$3.00
<b>TOTAL</b>			<b>\$23.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

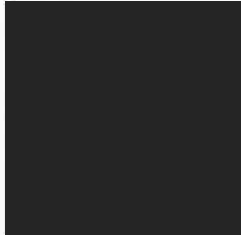
# Order Invoice

Order Number: **00017** (placed on June 7, 2014 12:24PM EDT)

**BILLED TO:**



**SHIPPING TO:**



## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
<b>Surf Mud + Zinc</b> SQ4472539 2oz	1	\$20.00	\$20.00
<b>Balancing Butter</b> SQ6567653 2 oz	1	\$20.00	\$20.00

---

Item Subtotal	\$40.00
Shipping & Handling	\$6.00
<b>TOTAL</b>	<b>\$46.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

# Order Invoice

Order Number: **00023** (placed on June 8, 2014 10:57PM EDT)

**BILLED TO:**



**SHIPPING TO:**



## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
<b>Surf Mud + Zinc</b> SQ4472539 2oz	2	\$20.00	\$40.00
			<hr/>
Item Subtotal			\$40.00
Shipping & Handling			\$6.00
<b>TOTAL</b>			<b>\$46.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

# Order Invoice

Order Number: **00025** (placed on June 9, 2014 02:56PM EDT)

**BILLED TO:**



**SHIPPING TO:**



## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
<b>Surf Mud + Zinc</b> SQ4472539 2oz	1	\$20.00	\$20.00
			<hr/>
Item Subtotal			\$20.00
Shipping & Handling			\$3.00
<b>TOTAL</b>			<b>\$23.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

# Order Invoice

Order Number: **00026** (placed on June 10, 2014 01:51PM EDT)

**BILLED TO:**



**SHIPPING TO:**



## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
Surf Mud + Zinc SQ4472539 2oz	1	\$20.00	\$20.00

---

Item Subtotal	\$20.00
Shipping & Handling	\$3.00
<b>TOTAL</b>	<b>\$23.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

# Order Invoice

Order Number: **00027** (placed on June 10, 2014 05:39PM EDT)

**BILLED TO:**



**SHIPPING TO:**



## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
Cooling Butter SQ6879455 2oz	1	\$20.00	\$20.00
Surf Mud + Zinc SQ4472539 2oz	1	\$20.00	\$20.00
			<hr/>
Item Subtotal			\$40.00
Shipping & Handling			\$6.00
<b>TOTAL</b>			<b>\$46.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>



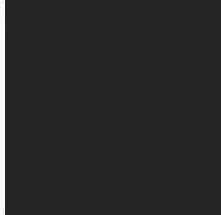
# Order Invoice

Order Number: **00029** (placed on June 14, 2014 02:00PM EDT)

**BILLED TO:**



**SHIPPING TO:**



## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
Antiseptic Butter SQ8950278 2 oz	1	\$20.00	\$20.00
Surf Mud + Zinc SQ4472539 2oz	1	\$20.00	\$20.00

---

Item Subtotal	\$40.00
Shipping & Handling	\$6.00
<b>TOTAL</b>	<b>\$46.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

# Order Invoice

Order Number: **00032** (placed on June 17, 2014 10:46AM EDT)

**BILLED TO:**



**SHIPPING TO:**



## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
Surf Mud + Zinc SQ4472539 2oz	1	\$20.00	\$20.00
Item Subtotal			\$20.00
Shipping & Handling			\$3.00
<b>TOTAL</b>			<b>\$23.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

# Order Invoice

Order Number: **00043** (placed on June 18, 2014 12:05PM EDT)

**BILLED TO:**



**SHIPPING TO:**



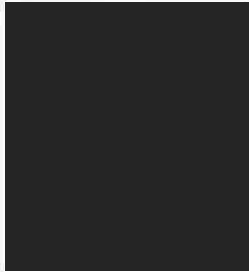
## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
Surf Mud + Zinc SQ4472539 2oz	1	\$20.00	\$20.00
			<hr/>
Item Subtotal			\$20.00
Shipping & Handling			\$3.00
<b>TOTAL</b>			<b>\$23.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

# Order Invoice

Order Number: **00053** (placed on June 21, 2014 05:03PM EDT)

**BILLED TO:****SHIPPING TO:**

## Order Summary

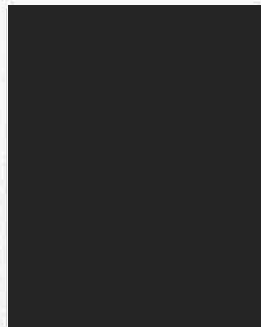
ITEM	QTY	PRICE	SUBTOTAL
<b>Surf Mud + Zinc</b> SQ4472539 2oz	1	\$20.00	\$20.00
<b>Cooling Lip Balm + zinc</b> SQ1856465	1	\$10.00	\$10.00
<hr/>			
Item Subtotal			\$30.00
Shipping & Handling			\$6.00
<b>TOTAL</b>			<b>\$36.00</b>

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

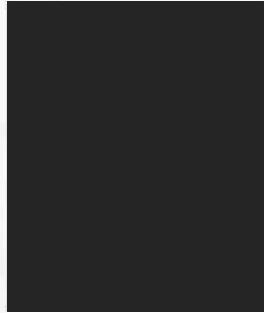
ORDER #00057

Summary    Activity    Internal Notes    Email Notifications

BILLED TO:



SHIPPING TO:



### Order Summary

ITEM	QTY	PRICE	SUBTOTAL
Surf Mud + Zinc SQ4472539 2oz	1	\$20.00	\$20.00

---

Item Subtotal	\$20.00
Shipping & Handling	\$3.00
<b>TOTAL</b>	<b>\$23.00</b>

CHARGE    ch\_104HHC2p0yaXmNRhpn24qpOP

[view in stripe →](#)

CLOSE

PRINT

ISSUE REFUND

MARK PENDING

# Order Invoice

Order Number: **00064** (placed on July 8, 2014 04:26PM EDT)

**BILLED TO:**



**SHIPPING TO:**



## Order Summary

ITEM	QTY	PRICE	SUBTOTAL
<b>Surf Mud + Zinc</b> SQ4472539 2oz	2	\$20.00	\$40.00
Item Subtotal			\$40.00
Shipping & Handling			\$4.00
<b>TOTAL</b>			<b>\$44.00</b>

## Additional Information

Note / Additional Info:

Thank You,  
EiR NYC, Nature's First Aid Kit For Your Active Lifestyle  
<http://www.eirnyc.com>

# **EXHIBIT 2**





# **EXHIBIT 3**

Skincare for men and women with lifestyles

PRODUCTS  
WHAT IS EIR?  
ABOUT THE BRAND

Testimonials  
Stores





Skincare for men and women with active lifestyles

#### PRODUCTS

WHAT IS EIR?

ABOUT THE BRAND

Testimonials

Stores

Contact



# **EXHIBIT 4**



E i R  
NYC + C  
BROOKLYN

EIR00114

EiR [air] NYC is an organic skincare line that uses elixirs of essential oils and natural herbs to nourish the skin while protecting and healing it.

Named after the Nordic goddess who used nature's bounty as salves for the body, spirit and soul, EiR is made for people who have active lifestyles and a commitment to wholesome, ecologically sound products.

Based in Brooklyn, EiR is environmentally friendly and cruelty free. No chemicals. No fragrances. No preservatives. No parabens. All EiR products promote external and internal healing.

# E i R N Y C

**Surf Mud=** organic, waterproof, hydrating sunblock for the face and hair. SPF 30.

**Cooling Butter+Arnica=** heals inflammation, swelling, bruises, insect bites and burns.

**Balancing Butter=** anti-inflammatory balm for eczema, psoriasis and dry, chapped skin.

**Antiseptic Butter=** soothes cuts, rashes, sunburn, scratches and insect bites.

**Uplifting Butter=** combats cellulite, water retention and dark circles.

**Rolling with it=** Post Arnica-infused salve for bruises, sore muscles and inflammation.

**Cooling Lip Balm=** moisturizing lip balm with zinc

[www.eirnyc.com](http://www.eirnyc.com)

**E i R**

**N Y + C**

**B R O O K L Y N**



- ✚ Naturally drawn to vigorous activity at a young age, Jun Lee, the founder of EiR, spent her formative years exploring physically demanding sports from competitive swimming and surfing to Thai boxing and motocross racing. The concept for EiR was born in 2012 after Jun realized that she was often on the search for natural items that could help expedite recovery after her intense training regimens and occasional injuries. She spent many hours learning about nature's gifts and researching the effects of natural elements - like how eating pineapples before fight training would reduce overall muscle inflammation. Or how working with essential oils could naturally reduce pain rather than turning to over the counter drugs for pain. After years of development the EiR NYC was finally conceived, geared towards men and women who shared her interest seeking healthy and wholesome healing that complements the active lifestyle. Made with high quality organic herbs and oils, EiR products revitalize the skin and body, revealing only it's most optimal and healthy natural state.

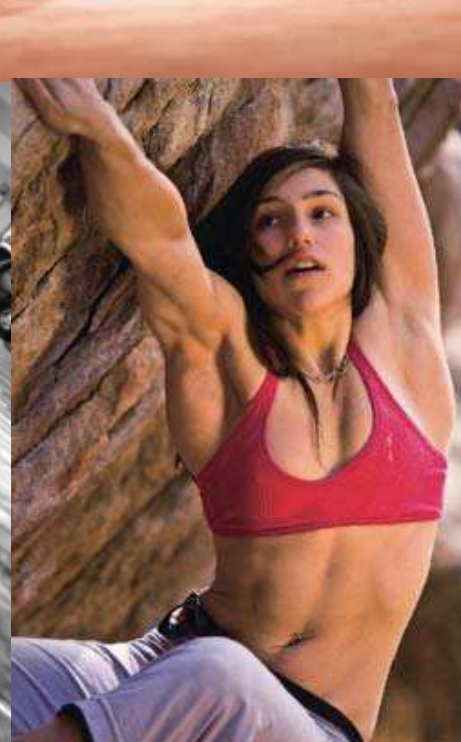


✚ In Greek mythology, Eir [air] is the Goddess of health and healing who believed in utilizing nature's gifts to help sustain wellness between the body, soul and spirit.

✚ EiR NYC is a skincare line geared towards men and women with active lifestyles.

EiR products are created using high quality, therapeutic grade organic herbs and oils, providing both external and internal healing.

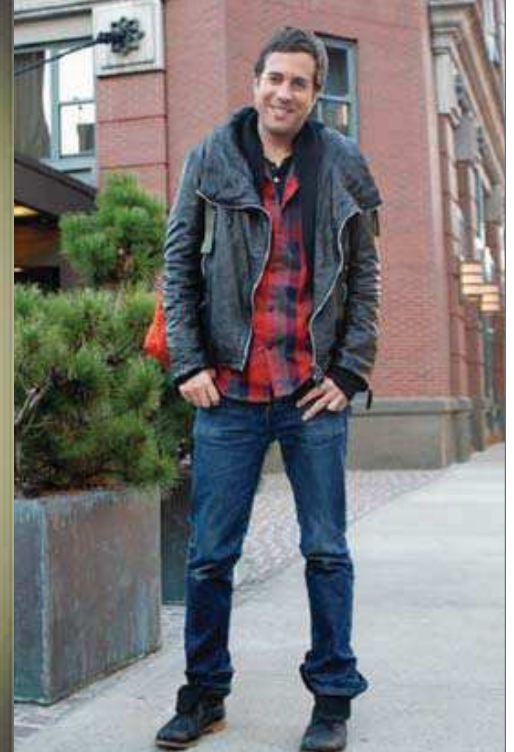
Luxurious experience **+** Recovery = **E i R**



Thursday, August 8, 2013

EIR00226





Thursday, August 8, 2013

EIR00227

Some of the extended benefits include:

- + provides therapy from essential oils
- + moisturizes
- + reduces inflammation
- + helps heal cuts
- + helps heal bruising
- + provides pain relief
- + uplifts mood
- + tones body
- + feels luxurious
- + uses identifiable ingredients





Thursday, August 8, 2013

EIR00229

**+** EiR products support local producers and we choose certified, organic ingredients. We give preference to small, integrated production networks.



- ✚ EiR NYC is in it's initial operations stage. The products will be sold at wholesale to select boutiques and online.

Current stores are:

**Good Westhampton**, Westhampton NY

**The Imrie Shop**, Montauk; Westhampton; Maui, St.Barths.

**Lost Weekend NYC**, New York

**Main Beach Surf Shop**, Wainscott

**Martine and Juan**, Montauk

**Share With**, Montauk

**Sunset Surf Shack**, Montauk; Fort Lauderdale



Thursday, August 8, 2013

EIR00232

- + Surf Mud+Zinc Oxide=** organic waterproof sunscreen with SPF 30
- + Cooling Butter+Arnica=** for inflammation, swelling, bruises + burns
- + Balancing Butter+Ylang Ylang=** for acne, psoriasis + eczema
- + Antiseptic Butter+Tea Tree=** for cuts, bug bites + cuticles
- + Uplifting Butter=** Cellulite + water retention
- + Rolling with it=** Arnica oil for extreme bruising + inflammation

## Direct and indirect competitors

- |                 |                      |
|-----------------|----------------------|
| ✚ Khiels        | ✚ Waterman sunscreen |
| ✚ (Malin+Goetz) | ✚ Kiss my Face       |
| ✚ L'Occitane    | ✚ Bengay             |
| ✚ The Body Shop | ✚ Tigerbalm          |
| ✚ Alba Botanica | ✚ Acetaminophene     |
| ✚ Coppertone    | ✚ Neosporin          |

## Competitor's Weaknesses

- ✚ Animal testing
- ✚ Synthetic ingredients
- ✚ Long term effects are unknown
- ✚ Artificial fragrance
- ✚ Artificial preservatives
- ✚ Low standard design and packaging
- ✚ Artificial ingredients are harmful for the earth + ocean



✚ Today, \$22 Billion a year is spent in the US on Natural products and medicine and it's the fastest growing category.

Skincare market in the United States today is \$9.8 Billion. The compound annual growth rate of the market in the period 2007-2011 was 2.9%.

Sourced from MarketLine Industry profile published in November 2012

✚ In 2016, the United States skincare market is forecast to have a value of \$10.6 billion, an increase of 13.9% since 2011.

The compound annual growth rate of the market in the period 2011-16 is predicted to be 2.6%.

Sourced from MarketLine Industry profile published in November 2012

## Growth opportunities

- ✚ Brick and Mortar in 5 years.  
EiR NYC surf inspired shop/gallery in Montauk, NY.
- ✚ EiR brand bikinis, t-shirts, sarongs and beach bags.
- ✚ **Exit strategy:** Selling the brand in 10 years with 51% creative control.



**+** Visit us at [www.eirnyc.com](http://www.eirnyc.com) for additional information.

# **EXHIBIT 5**

# THE WALL STREET JOURNAL.

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit <http://www.djreprints.com>.

<http://www.wsj.com/articles/gaia-reposi-on-minimal-luxury-1402092751>

20 ODD QUESTIONS

## Gaia Repossi on Minimal Luxury

The artistic director of jewelry brand, Repossi, admires the irreverence of Louise Bourgeois and prefers huts over grand hotels



MINIMAL MIND | Gaia Repossi in her Paris office ANTOINE DOYEN FOR THE WALL STREET JOURNAL

Updated June 6, 2014 8:57 p.m. ET

**ARTIST FRANZ WEST**, anthropologist Claude Lévi-Strauss and Korean academic and artist Lee Ufan aren't the influences you'd expect to be cited by a 28-year-old jewelry designer. But Gaia Repossi isn't quite typical. She's a ubiquitous fashion-world presence who has a master's degree in archaeology from the Sorbonne. And while she represents the third generation to take over her family's 94-year-old Italian jewelry brand, Repossi,

she doesn't rest on the laurels of heritage.

In fact, the brand's current stripped-down, tribal aesthetic is entirely her own invention. "My father and grandfather always started their ideas with a stone. I work the opposite way. I sketch a design first," said Ms. Repossi. "I enjoy the architecture of it—the lines and volume." She's managed to build her approach into something substantial. Designs like her Berbère rings and ear cuffs—sleek, multi-band ornaments that come in everything from plain yellow gold to black gold covered with diamonds—have become instantly recognizable symbols of cool luxury. Her newest collection, called "White Noise," takes her work in a slightly different direction. Inspired by Alexander Calder sculptures, the pieces are formed by elegantly chaotic squiggles of rose gold or a new lilac-colored gold, sometimes dotted with pink pavé diamonds. She describes them as poetic.

Ms. Repossi, who was born in Turin and grew up in Monaco and Paris, took over as artistic director from her father, Alberto, in 2007. She and her boyfriend, American artist Jeremy Everett, split their time between Paris and New York. As such, she is slightly divided about the nationality with which she most identifies—Italian or French. "I don't know. I'm both," she said. "I read all my books in French, but I smile more than a French person."



Clockwise from left: Hermès suit; Repossi White Noise cuff; the Row loafers; Robert Mapplethorpe's 'Puerto Rico, 1981'; Noguchi lamp; Repossi Berbère ring *PUERTO RICO, 1981* © THE ROBERT MAPPLETHORPE FOUNDATION (PALM TREE); JOSHUA SCOTT FOR THE WALL STREET JOURNAL (RING, BRACELET); KEVIN NOBLE/THE NOGUCHI MUSEUM, NEW YORK (LAMP)

**The most important thing about jewelry design is:** that it works on the body. I try all of my designs on myself. Traditionally, jewelry design was done by men and they never tried anything on—they'd call in an assistant for that.

**My morning routine is:** to do ashtanga yoga. It's a practice you do by yourself at home. For little adjustments, I'll go to Ashtanga Yoga New York or Rasa in Paris.

**My everyday style involves:** a lot of basics like black pants and white shirts from Céline and Christophe Lemaire's collections for Hermès. I also like the Row's backless loafers from this season; they're handmade.

**My favorite new restaurant is:** a Japanese one that opened recently in Paris in Saint-Germain called Yen. The sushi is really fresh and really good

**As a teenager, I wanted to be:** a painter. I was stubborn; I used to laugh at my father with his silly stones.

**My pets are:** two Bengal cats, named Perseus and Prometheus. The first has the personality of a bear and the other thinks it's a baby.

**One of my biggest design influences is:** the book "Sad Tropics," by anthropologist Claude Lévi-Strauss. When I started studying archaeology I was amazed at what a huge impact tribal embellishment had on me. Ancient Greek, Persian and African jewelry really resonated [with me] because it's seen as a part of the body.

**The piece of jewelry I never take off is:** my Berbère ring. It still works for me after three years. I'm never over it. I wear it in rose gold. It really moves with you and becomes a part of you.

**The things I treasure most in my home are:** my boyfriend's paintings and photographs, a Mapplethorpe photograph of a palm tree I bought a year ago and Noguchi paper lamps in all shapes and sizes.

**My favorite beauty products are:** ones from organic beauty brands, like the raw coconut cream from RMS Beauty, Skin Trip body lotion from Mountain Ocean and EIR NYC Surf Mud sunscreen.

**If I had a month off, I would:** go to Easter Island. And I've never been to the Lightning Field [in New Mexico]. I like places that are quiet and remote. I love to disappear.

**My favorite film of all time is:** "La Jetée" for its beautiful images. I also love "Persona." It's very beautiful, long and slow. I really like movies with good photography direction.

**My last purchase was:** an original 1946 Jean Prouvé desk I found at an auction house. It looks like an old school desk.

**My favorite band is:** the Kronos Quartet.

**The book I'm reading right now is:** Lee Ufan's "L'art de la Résonance." It's very slow reading. It explains how he thinks about art.

**My favorite accessory—besides jewelry—is:** shoes. I've always had a lot. The best pair I ever bought were sandals designed by Nicolas Ghesquière, from one of his first Balenciaga collections. I was 18 or 19 when I got them and I still have them. They are pink and very simple but with a very thin, high heel. I think it was my first high heel.

**My favorite florist is:** Eric Chauvin in Paris. They do a classic pale pink and white arrangement cut short that we always use in our office. He did an entire door covered in flowers for us [at the party] when we launched the new collection.

**The women who inspire me are:** smart and ahead of their time. They're modern and a little bit irreverent, like Louise Bourgeois and George Sand.

**I rarely waste time on:** manicures. they take too long. My hair colorist is very fast, that's why I can do that, but the manicure—no. I keep my nails short and bare and sometimes I use Chanel's black or beige polish.

**My favorite hotels are:** eco-resorts. I really like this trend—staying in a hut, the whole experience. There is one called the Ulpotha in Sri Lanka. It's an ayurvedic center. Otherwise, I like to rent houses on vacation. I'm not much of a hotel person.

**My dream is:** to live close to the ocean, and closer to nature. I'm starting to look for balance in my life. It's always hard, especially in New York, which is not the best place for balance.

*—Edited from an interview by Alexa Brazilian*

Copyright 2014 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our Subscriber Agreement and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit [www.djreprints.com](http://www.djreprints.com).

# **EXHIBIT 6**



# Los Angeles Times

## Fashion

This article is related to: Fashion



## Hitting the beach in style



By **INGRID SCHMIDT**

### SHARELINES

Shopping tips to hit the beach in high style

JUNE 22, 2014, 7:30 AM

**G**et set for your days in the sun with this capsule wardrobe of stylish and fun seaside accessories.

#### Made in the shade

We are Handsome x Basil Bangs limited-edition the Hideaway beach umbrella in printed canvas with aluminum pole and matching carrying case, \$259 at [wearehandsome.com](http://wearehandsome.com)

#### Cat eyes

Anna-Karin Karlsson "Rose Et La Mer" sunglasses in glitter-flecked black acetate with leopard detail and 100% UV protective lenses, \$585 at Elodie K in West Hollywood, (323) 658-5060 and [elodiek.com](http://elodiek.com).

#### Surf style

This Cynthia Rowley for J. Crew colorblock neoprene wetsuit just hit shelves, \$210 at [cynthiarowley.com](http://cynthiarowley.com) and [jcrew.com](http://jcrew.com).

#### Natural selection

EIR NYC Surf Mud organic, waterproof SPF 30 sunblock for face and hair, hand-blended with coconut oil, cocoa butter and powder, beeswax zinc oxide and tea tree oil to prevent breakouts, \$20 at [eirnyc.com](http://eirnyc.com).

#### Neon splash

Visors are the summer's "It" headgear. San Diego Hat Company neon yellow visor, \$15 at Planet Blue in Malibu, (310) 317-9975, and [sandieghat.com](http://sandieghat.com)

#### In the clouds

Cover cloud-print rash guard maillot swimsuit in quick-dry UPF 50+ certified Protec Swim Jersey fabric that blocks 98% of UV rays, \$175 at [shopbop.com](http://shopbop.com)

#### Beauty and the beach

Shiseido UV Protective Compact Foundation with SPF 36 in a hydrating powder formulation with antioxidants to fight aging. Available in 10 shades in a refillable, limited-edition case, \$36 at [shiseido.com](http://shiseido.com).



# **EXHIBIT 7**

2

👍


RUP100


465

3

👍

RUP100





eirnyc

EIR nyc headquart...

FOLLOW

20 likes

98w

eirnyc #surfmud #eirnyc for your #wintergetaway #holiday #sunblock #warmwater #surfing #coldweather #surfing www.eirnyc.com

rck\_frl How can I get one?! @junleenyc

eirnyc @\_ckfrl\_ email me at jun@eirnyc.com or go to my etsy shop http://www.etsy.com/shop/EiRnyc

Log in to like or comment

...

EIR00129





eirnyc

Montauk Farmers ...

FOLLOW

19 likes

108w

eirnyc Gorgeous fall morning in #montauk come by get your #surfmud at the #montaukfarmersmarket #eirnyc #surfnyc #newyorksurf #naturalsunblock

Log in to like or comment.

...





eirnyc

Sole East Resort

FOLLOW

hklees4, imrieshop, aew\_estelleshop, bayuno, bennydgram and djaclyn like this

122w

eirnyc #imrie #soleeast #montauk is now carrying #eirnyc #skincare for #athletes #surfmud

imrieshop @junleenyc we love it

Log in to like or comment.

...

# **EXHIBIT 8**

Home

3 Horrific

Find Friends

Home

3 Horrific

Find Friends

Top

Latest

People

Photos

Videos

Pages

Places

More ▾

Edit Profile

FAVORITES

News Feed

Messages

Events

Saved

APPS

Games

On This Day

TripAdvisor

Games Feed

FRIENDS

GROUPS

INTERESTS

PAGES

20+

1

20+

5

4

Pages and Public Figures

EVENTS

20+

EIR NYC

July 17 ·

Go Beauty Glamping with [EIR NYC #surfmud](#) Thanks [Vogue](#) for the shoutout! Best natural sunblock I've ever tried! [www.eirnyc.com](#)

The Best Beauty Glamping from Coast to Coast—And the Products You Need to Pack

Because getting in touch with nature doesn't mean forgoing electricity—or your favorite beauty products.

VOGUE.COM

Like

Comment

Share

EIR NYC

February 24 ·


Surf Mud Pro is rockin it at AXIS trade show! [#surfmud](#) [#surfmudpro](#)

Jun Lee commented on this

Gina Gregorio

June 7, 2014 ·

My pal Jun's line [EIR NYC](#) got a shout in WSJ



Gaia Repossi on the personalities of her cats and why manicures aren't worth the time

The artistic director of jewelry brand, Repossi, admires the irreverence of Louise Bourgeois and prefers huts over grand hotels.

M.US.WSJ.COM

1 Like

2 Comments

Like

Comment

Share

See more posts from friends and groups

TRENDING

Halle Berry: Ex-Husbands David Justice and Eric Benét Criticize the Actress on Twitter

Derek Jeter: Former New York Yankees Shortstop Confirms Engagement in Post About His Dog

Solange Knowles: Singer Responds to Internet User Calling Her Son 'Ugly' on Social Media

Master P: Rapper Says in Interview He Defeated Michael Jordan During Pickup Basketball Game

Fantastic Beasts and Where to Find Them: Logo Revealed for Upcoming 'Harry Potter' Spinoff Movie

Fallout 4: Preview of Game Reportedly Leaks 1 Week Before Release Date

Jessica Chobot: Host Appears as Samus Aran in Fan-Made Film Based on 'Metroid' Video Game Series

D'Angelo Russell: Los Angeles Lakers Player Is Rumored to Be Dating Kendall Jenner, Report Says

Gmail: Google's Email Service Introduces 'Smart Reply' Feature for Inbox App

Alice Through the Looking Glass: Disney Releases Trailers for 'Alice in Wonderland' Sequel

SUGGESTED PAGES

Vinterpretation

610 people like this.

Like

SPONSORED

SHOP J.CREW @

Boys' Marshmallow Puffer Jacket

1,461,355 people like this

REVOLVEclothing.com

Shop the latest looks from Naked & Famous Denim on REVOLVEclothing!

405,313 people like this

TURN ON CHAT TO SEE WHO'S AVAILABLE.

English (US) · Privacy · Terms · Cookies · Advertising · Ad Choices · More

Facebook © 2015

Search

https://www.facebook.com/search/top/?q=eir+nyc+surfmud

11/3/2015  
EIR00199





Page 1 of 13  
EIR00201





1 Like

Like Comment Share



FOLLAIN

August 14 · 🌐

Like Page

Nantucket friends, come meet [EIR NYC](#) founder Jun Lee tomorrow 8/15 from 11-2 at [Follain Nantucket](#) and make your own [surf mud](#) SPF body oil. Perfect for a sunny beach weekend! [#ack](#) [#nantucket](#) [#ackfollain](#)



6 Likes

Like Comment Share



Well+Good

June 26, 2014 · 🌐

Like Page

Attend the [#SweatSeries](#) on Sunday and get chic beauty brand [EIR NYC](#)'s star product, [Surf Mud](#), on us (a \$20 value). <http://bit.ly/1ibFjJO>

English (US) · Privacy · Terms · Cookies · Advertising · Ad Choices · More

Facebook © 2015



2 Likes

Like Comment Share

 **Ooh! Events and Out Of Hand** July 11 · 

Skin protection is a summer essential! [EIR NYC](#) has you covered. Protect with their Surf Mud, organic waterproof hydrating sunblock for face and hair. Then, replenish post-sun with their Sunset Oil that contains soothing essential oils and vitamins to heal parched skin. Find them both at Ooh! Beautiful on Pitt Street.



3 Likes

Like Comment Share

 **EIR NYC** May 7, 2014 · 

[Surf mud's](#) got a great and thorough review on Surf Mei Mei's blog: <http://surfmeimei.com/20.../06/review-surf-mud-from-eir-nyc/> Check it out!



Review: [Surf Mud](#) from [EiR NYC](#)

Surf Mei Mei stumbled upon [EiR NYC](#) skincare while checking out one of my favorite female surfer, Kassia Meador, on Instagram. Ms. Meador posted a soulful picture of a beach scene with surfers in t...  
[SURFMEIMEI.COM](#)

4 Likes 1 Comment 1 Share  
Like Comment Share

 **Evelyn O'Doherty**  
November 19, 2013 ·

LOVE this girl and am addicted to her [EiR Surf Mud](#)! Hydrates while it protects, full of essential oils that are gentle enough to use on the face. Can't live without it at this point. Check it out 😊



[EiR NYC](#) skin care for people with active lifestyles  
[EiR NYC](#) is an organic skincare line company based in Brooklyn NY.

[INDIEGOGO.COM](#)

3 Likes  
Share


 **EiR NYC** at [Ditch Plains Beach](#)  
September 18, 2013 ·

Like Page

Copyright: (C) 2013 [EiR NYC](#)  
Surf Mud with zinc Oxide 2oz  
+ This Luxurious sunscreen is made with coconut oil and chocolate. Super hydrating, full of antioxidants like wearing a chocolate mask. Won't make you break out or dry out from sun and sea. Great for face and hair while surfing for sun protection approx SPF 30.... [See More](#)



1 Like  
Like Comment Share



**Urban Siren**

Like Page

November 15, 2013 · Brooklyn, NY ·

Countdown to announcing our Friday winner going home with four amazing products from [EIR NYC](#): Surf Mud, Balancing Butter, Cooling Butter and Uplifting Butter. Stay tuned for the winner's name and note: there's still a chance to win! Simply leave your comment as to why you'd love to win these products, and sign up for our newsletter to stay informed of more giveaways all month and through December. Let's go!


Got Gift? Our Holiday Guide is Here!  
[US6.CAMPAIGN-ARCHIVE2.COM](http://US6.CAMPAIGN-ARCHIVE2.COM)


3 Likes 6 Comments 1 Share

Like

Comment

Share



**Tracey Boyce**  **Kolohe Andino**


August 28 ·

Hey!!! You need some [Surf Mud](#) Pro in your Life!!! GET SOME>>> [EIR NYC](#)

Like

Comment

Share



**EIR NYC** at Ditch Plains Beach


Like Page

September 18, 2013 ·

Copyright: (C) 2013 [EIR NYC](#)

Surf Mud with zinc Oxide 2oz

+ This Luxurious sunscreen is made with coconut oil and chocolate. Super hydrating, full of antioxidants like wearing a chocolate mask. Won't make you break out or dry out from sun and sea. Great for face and hair while surfing for sun protection approx SPF 30.... [See More](#)



1 Like

Like

Comment

Share



**Montauk Juice Factory**

June 30, 2014 · 🌐

Like Page

MJF is proud to carry [EIR NYC!](#) [EIR NYC](#) is an organic skincare line that uses elixirs of essential oils and natural herbs to nourish the skin while protecting and healing it. Designed for people with active lifestyles and who are committed to clean, ecologically sound products. No chemicals, no preservatives, no harsh fragrances. The [#mjfmermaids](#) are obsessed with [Surf Mud](#) sunblock to protect and hydrate their skin... and the totally inspiring founder, creator, surfer, Muay Thai boxer and all around badass human being, Jun. [#thisiswhyimjf](#) [#mjftribe](#) [#ecofriendly](#) [#naturalbeauty](#) [#surf](#) [#sun](#) [#swim](#) [#protectyourskin](#) [#healyourself](#) [#bestsummerever](#)



12 Likes 1 Share

Like Comment Share

**AllSwell**

February 24 · 🌐

Like Page

Pleased to introduce "The Kit", a special collab with surfers, creatives, and our co-conspirators [Kassia + Surf](#), [Summer Bummer](#) and [EIR NYC](#). "The Kit" is a neoprene pouch made from Kassia's wetsuit material, filled with a special edition AllSwell journal, a triangular bar of Kassia's surf wax, and a stick of spf [surf mud](#). We'll be donating 10% of proceeds to [Waves for Water](#) so you'll be fully equipped for your next beach adventure while and doing some good. Join us at [Warm NYC](#) tonight from 7-9pm to celebrate [#Creative](#) [#TheKit](#)



2 Likes

Like Comment Share



EIR NYC

October 29 at 1:02pm ·

Like Page

See our [Surf Mud](#) and [Cooling Lip Balm](#) featured in Vogue Brasil!



Like Comment Share



Ajax Shoppe

June 1 ·

Like Page

@ajaxshoppe Is a great place for Father's Day (which is just around the corner...). We got you covered

1. Martine Hillen "Jollie" Handmade in Morocco
2. Stephen Kenn "The Inheritance Collection" Made in LA
3. Schott N.Y.C. Perfecto A-1 Bomber Made in NYC
4. Autodromo Prototipo Chronograph Designed in NYC... [See More](#)



November 27, 2013 · 🌐

A black and white photograph of a beach scene. In the foreground, a person stands in the shallow water holding a surfboard. Other people are scattered across the beach and in the surf. The ocean waves are breaking, and a rocky coastline is visible in the background under a cloudy sky. The text "JUST LOVE PHOTOGRAPHY" is overlaid in the center of the image.

Like Page

12 Likes 5 Comments


 Share


Page 8 of 13





2 Likes


Like Comment Share

**Urban Siren**

November 14, 2013 · Brooklyn, NY · 

 Like Page 

Need a lift? [EIR NYC's](#) Uplifting Butter is made with essential oils to reduce cellulite, water retention and help promote overall circulation. Organic ingredients include shea butter, coconut oil, coffee oil, cedarwood, rosemary and cypress essential oils. Chance to win this product plus three more amazing goodies including their [Surf Mud](#), Balancing Butter and Cooling Butter. Leave your comment and sign up for our newsletter (<http://eepurl.com/HqmUf>) for a chance to win! Lucky person announced tomorrow!




**Uplifting Buttlifting Butter 4oz**


Essential oils used in this product are known to reduce cellulite, water retention and help promote overall circulation. For external use only. Consult



[ETSY.COM](#)

1 Like 1 Comment


Like Comment Share

**EIR NYC**

March 24 · 

 Like Page 

The KIT!!!! with [Eir Surf Mud Pro](#)







Kassia Meador On New Brand and The KIT - Transworld Business

Kassia Meador On New Brand KASSIA + SURF and The KIT  
BUSINESS.TRANSWORLD.NET

2 Likes

Like Comment Share



EIR NYC

August 21 · 🌐

Like Page

Our Surf Mud Pro is a highly concentrated stick version of the popular Surf Mud. It's waterproof and contains higher levels of zinc - perfect for surfers, boaters and outdoor enthusiasts looking for an extra dose of sun protection.



Like Comment Share



EIR NYC

August 23 · 🌐

Like Page

@shopfollain celebrating healthy beauty with a safe SPF (our Surf Mud!) and a pop of color.



 Like  Comment  Share



EIR NYC

August 3 · 🌐

Like Page

Our surf mud was recently featured in @whalebonemag as perfect gear for the beach! Keep your skin protected.



2 Likes

 Like  Comment  Share



EIR NYC

July 18 · 🌐

Like Page

A behind the scenes look at our freshly poured Surf Mud Pro Sticks.



3 Likes

Like Comment Share



**EIR NYC**

August 8, 2014 · 🌐

Like Page

Some of us do not care about sunburn, the rest of us use **SURF MUD!**  
<http://ow.ly/i/6uQRI>



Like Comment Share



**EIR NYC** at Pier 94

February 24 · 🌐

Like Page


**Surf Mud** Pro is rockin it at AXIS trade show! [#surfmud](#) [#surfmudpro](#)

TRANSWORLD  
**Business**

FEATURES | NEWS | SPORTS | HOW-TO | PROFILES

< PREVIOUS | NEXT > (Image 36 of 90)

VIEW:



The Sun Mud is made with a unique combination of Zinc and chocolate, which has some interesting hydrating and healing properties, according to Founder and Creative Director Jun Lee.

1 Comment

Like

Comment

Share

Search

End of Results

# **EXHIBIT 9**



# YORK SURF

[MENU](#)

FEBRUARY 3, 2014 / 0 COMMENTS

## Interview: Jun Lee of EiR NYC Skincare



On my recent surf trip to Puerto Rico, I packed a few essentials from local NYC surf business like EiR NYC Surf Mud to protect my skin from the strong Puerto Rican sun. I left after eight days of full sunlight with a bit of a glow but no burn thanks to EiR NYC. We spoke with the founder Jun Lee about how the line came to be and the process behind the natural skincare line.

### *How did you start EiR NYC?*

The concept for EiR was born in 2012. I was experiencing frequent soreness and minor injuries as a result of some intense training so started looking for products I could use long term which would enable me to bounce back and continue my active lifestyle. When I couldn't find anything I liked on the market, I decided to make them myself, and EiR was born.

*Tell us a little about the product development process? Did you test out several ingredient options to find the perfect combos?*

EIR00162



The surf mud was an incredible one shot deal. I knew exactly what I wanted in the product: wanted something I could wear surfing that stays on!, something moisturizing and hydrating. Since I have sensitive skin and easily breakout, I wanted something antiseptic (tea tree did the trick).

The other products took a lot of tweeking. The butters are hand whipped and is so luxurious on the skin. Took few tries to get the consistency we so love now.

*I recently took a trip to Puerto Rico to surf and used your Surf Mud with Zinc Oxide...it was amazing! How important is the quality of your ingredients to you?*



I am a stickler for fine ingredients and am obsessed with my skin. I love the sun but would do anything to keep my skin hydrated and have minimal sun damage. We believe that, like food, fine good quality ingredients make even the simplest food taste good. Not saying you should eat the surf mud, but because we use clean natural ingredients, you can trust that what gets absorbed into your skin and body is nourishing.

*What's next for E i R NYC?*

We are re-launching this spring/summer with new additions to the line. Stay tuned, next season for gorgeous bikinis!

*You're a surfer – how did you start?*

I have been an athlete all my life. 6 years ago, I had an accident which led me to retire from being competitive Muay Thai fighter. I had lots of time in my hands, and picked up surfing in Montauk. 2 shoulder surgeries and 55 stitches to my hip later, I'm still in love with surfing and Montauk.

Thank you Jun for speaking with us. Big fans of your products. You can find out more at their main site and Facebook page. [eirnyc.com](http://eirnyc.com) [www.facebook.com/EiRNYC](https://www.facebook.com/EiRNYC)

About these ads

## About the author

yorksurf

yorksurf Author website

## About the post

BEAUTY, INTERVIEWS

Beauty Tips, EiR NYC, Jun Lee, Organic Skincare, Surfing Inspired



**BLOG AT WORDPRESS.COM. | THE RADCLIFFE THEME. | UP ↑**



BODY + MIND

SKINCARE

# REVIEW: SURF MUD FROM EIR NYC



SURF MEI MEI — MAY 6, 2014





## Review: Surf Mud from EiR NYC

Surf Mei Mei stumbled upon EiR NYC skincare while checking out one of my favorite female surfer, Kassia Meador, on Instagram. Ms. Meador posted a soulful picture of a beach scene with surfers in the background with EiR NYC products beautifully displayed. Soon after, I contacted Jun Lee, the founder of EiR NYC, the day before my surfing trip to Costa Rica.





Jun Lee, the founder of EIR NYC, grew up as a competitive athlete who participated in Thai boxing, motocross, and surfing. She knows exactly what active people need. As tomboy as she might sound, she is a girlie girl with colorful, yet, simple style in person. During our short meet-up, she briefly talked about herself, her products and future of the brand. The most important thing for me to hear was, "you will love my Surf Mud (sunscreen)." And so I did.

I have extremely sensitive skin. I am one of those people who will wear a hat while surfing but still get an allergic reaction. I brought Surf Mud to Costa Rica and tried it out under their strong sun. Surf Mud is a whipped sunscreen which feels light on application and makes my skin feel very soft. Under Jun's instruction, I also used it for my hands and parts of my body that are more sensitive to the sun, including my hair.

## PRODUCT REVIEW

### *Surf Mud from EIR NYC*

**Type: Skin Care/ Sunscreen**



***EiR NYC Surf Mud and Balancing Butter. Both perfect for East Coast year round cold water condition (beside August).***

---

Brand: EiR NYC (pronounce as “air”) is an organic skincare line made in Brooklyn, New York. With wholesome and all natural ingredients such as coconut oil, EiR NYC is great for individuals who enjoy outdoor activities and extreme sports. While each product delivers great results on our skin, the approach behind EiR NYC is simplicity: fine and simple ingredients for skin to ‘eat’ and absorb, just like how fine and wholesome food does to our digestive system. Following Ancient Asian herbal mixology for our skin, EiR NYC keeps its ingredients simple, top quality and effectively protecting our skin for our active lifestyle.

**Look:** With Jun’s art & design background as an art gallery curator, the package of EiR NYC is another selling point for a design junkie like myself. Simple tin package with colorful tape wrapping around; each EiR NYC product comes with a canvas bag and two tiny rectangular cards to explain its ingredients and showcase its clean logo design.

**Price:** \$20

**Ingredients:** coconut oil, cocoa butter, cocoa powder, beeswax, tea tree oil and zinc oxide

Cocoa powder is known for its high anti-oxidant and anti-inflammatory properties. It is also known to promote healthy skin tissue. Surf Mud is super hydrating while tea tree helps prevent breakouts.

Function: SPF 30 sunscreen, 60 minutes sweat resistant

How To: Keep Surf Mud in shady area. Scoop the cream on your finger tip and spread through out your face, hair and other parts of your body as desire. Re-apply after 45 to 60 minutes if it is needed. Wash it off after surf or the end of the day as usual.

### Pros

Feel\_Smooth texture

Smell\_Cocoa powder makes the sunscreen smell very yummy

Look\_Surf Mud makes my skin looks healthier after use

Great for cold water surfing

### Cons

The whipped butter texture will melt in extreme heat which tends to make the sunscreen a bit greasy

### Verdict



***An urban warrior like Surf Mei Mei? Surf Mud sunscreen from EiR NYC skincare is perfect for mild weather use, such as, San Francisco, Biarritz, Montauk, Tofino, Taghazout, NYC and other surf spots. Photo: Stanton Stephens (stantonjstephens.com)***

---

*Sunbathing* – Yes

*Surfing* – Yes

*UV protection* – FOR SURE

Have I mentioned that I have sensitive skin? This product makes my skin feel great and I feel awesome because of the smell of cocoa powder! I did not get an allergic reaction nor sun burnt while I tried it in Costa Rica (warm water), Montauk (cold water), NY and Santa Cruz (cool water), California. The only thing that I need to pay attention is when using Surf Mud in hot climate, I needed to put it in a shady area, better yet, in the fridge to keep its ideal texture!

### **Where to Buy**

Most of NY surf shops & EiR NYC Online Shop

### **SUMMARY**

*Style* – simplicity package with functional design

*Ingredient*– (all organic) coconut oil, cocoa butter, cocoa powder, beeswax, tea tree oil and zinc oxide

*Size* – smaller than palm, total 2 oz of goodness

*Coverage* – anywhere but the eyes and do not eat it!

---

*All images are originated by Surf Mei Mei & Stanton Stephens*

***We empower and mentor women worldwide through mind-opening experiences.***

***Please 'like' Surf Mei Mei on Facebook, and support Surf Mei Mei by becoming a Sponsor or Contributor.***

***Email us at surfmeimei@gmail.com***

***Instagram/Twitter: SURFMEIMEI***

*Copyright: © 2014 SURFMEIMEI.COM. All rights reserved.*

Review: Surf Mud from EiR NYC

TAGS:



PREVIOUS POST

**Surf Fitness: Abs and Tush for better Maneuverability**

NEXT POST

**Recipe: Summer Ice "Treat"**



About the Author

## Surf Mei Mei


Surf Mei Mei means surf sister in Chinese. This surf lifestyle and adventure blog is written by 2 friends, PK and KL, who met while surfing in New York. We journal inspiring stories of people who are creating positive change in this world. Our goal is to connect, share and learn from those who are in pursuit of a lifestyle focusing around surf, adventure, fun and wellness together. We believe great finds and good ideas should never go unheard so come join us and be a Surf Mei Mei! Share ideas with us at [surfmeimei@gmail.com](mailto:surfmeimei@gmail.com) Stay up to

date with us at Instagram/Facebook/Twitter @SURF MEI MEI

<https://www.facebook.com/surfmeimeisurf> We empower and mentor women world-wide through experiences that open our minds. Please 'like' Surf Mei Mei on Facebook, and support Surf Mei Mei by becoming a Sponsor or Contributor. Email us at [surfmeimei@gmail.com](mailto:surfmeimei@gmail.com) Copyright: © 2015 SURFMEIMEI.COM. All rights reserved.

 Twitter

 Facebook

 Google

## RELATED POSTS

Wellbeing: Where's the Beef?



CHRISTINE SIMKO, OCTOBER 26, 2015

## Mexico Retreat: Yoga + Surfing + Baja



SURF MEI MEI, OCTOBER 21, 2015

## Sumatra Travel: Aura Surf Resort



SURF MEI MEI, OCTOBER 18, 2015

---

# NO COMMENT

## Leave a reply

Your email address will not be published. Required fields are marked \*

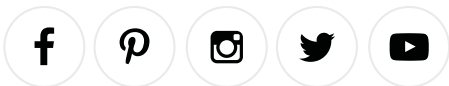


Website

**SUBMIT COMMENT**

Copyright © 2014. All rights reserved by Surf Mei Mei

[↑ Back to top](#)



PureWow.

SIGN UP NOW



(http://www.purewow.com/PureWowVideos)

LIFESTYLE

FASHION & BEAUTY

FOOD & RECIPES

TRENDING

HOW-TOS (/HOW-TO)

CITIES

SHOP (HTTP://SHOP.PUREWOW.COM)

NEW YORK (/NY) | APRIL 26, 2013

# The Heat Is On

Summer skincare prep, NYC-style



(http://www.etsy.com/listing/130178900/surf-mud-with-zinc-oxide?ref=shop\_home\_active)

EIR00174

Official countdown: It's exactly one month to Memorial Day weekend. Time to step up your skincare game. Since a hearty exfoliator ([http://www.uptownsoap.com/index4\\_bodyscrubs.html](http://www.uptownsoap.com/index4_bodyscrubs.html)) and ultra-light cream (<http://store.swbasicsofbk.com/products/cream>) are givens, here are a few more necessities--of course, all handmade locally--to have at the ready.

**Protect** Forget the chemical-laden, eye-stinging sunscreens of yesteryear: EiR Surf Mud ([http://www.etsy.com/listing/130178900/surf-mud-with-zinc-oxide?ref=shop\\_home\\_active](http://www.etsy.com/listing/130178900/surf-mud-with-zinc-oxide?ref=shop_home_active)) (\$20) is a much more soothing, natural option. This buttery balm was originally made for surfers (complete with zinc oxide), so you know it's legit. But for those inevitably missed spots (blast you, back of the ears), keep the Cooling Butter ([http://www.etsy.com/listing/130180078/cooling-butter-with-arnica?ref=shop\\_home\\_active](http://www.etsy.com/listing/130180078/cooling-butter-with-arnica?ref=shop_home_active)) (\$20) around just in case.

**Refresh** As the temps rise, so does our awareness of personal...aroma. Keep a mini rollerball fragrance in your purse, like Joya Composition No. 6 Roll-On Parfum ([http://www.joyastudio.com/shop/item\\_description.php?IID=128](http://www.joyastudio.com/shop/item_description.php?IID=128)) (\$28), for an on-the-go refresher. Thanks to a cocktail of Fujian cypress, juniper, cedarwood and saffron, it's crisp enough for abrasive summer days in the city but sweet enough for date night.

**Repel** The urban mosquito is no urban legend. Meow Meow Tweet's All Natural Herbal Insect Repellent (<http://meowmeowtweet.bigcartel.com/product/all-natural-insect-repellent>) (\$18) protects skin with plant-based ingredients and won't make you smell like, well, bug spray. Pairs well with picnics in the park and rooftop bars.



ADD COMMENT

SIGN UP TO RECEIVE NOMAD UPDATES [SUBSCRIBE HERE](#)

SHOP

LOGIN/REGISTER

SEARCH

# NOMAD-CHIC

*Global Spirit. Explore. Shop. Share.*

ART

BEAUTY

CELEBRITY

CHARITY

DESIGN

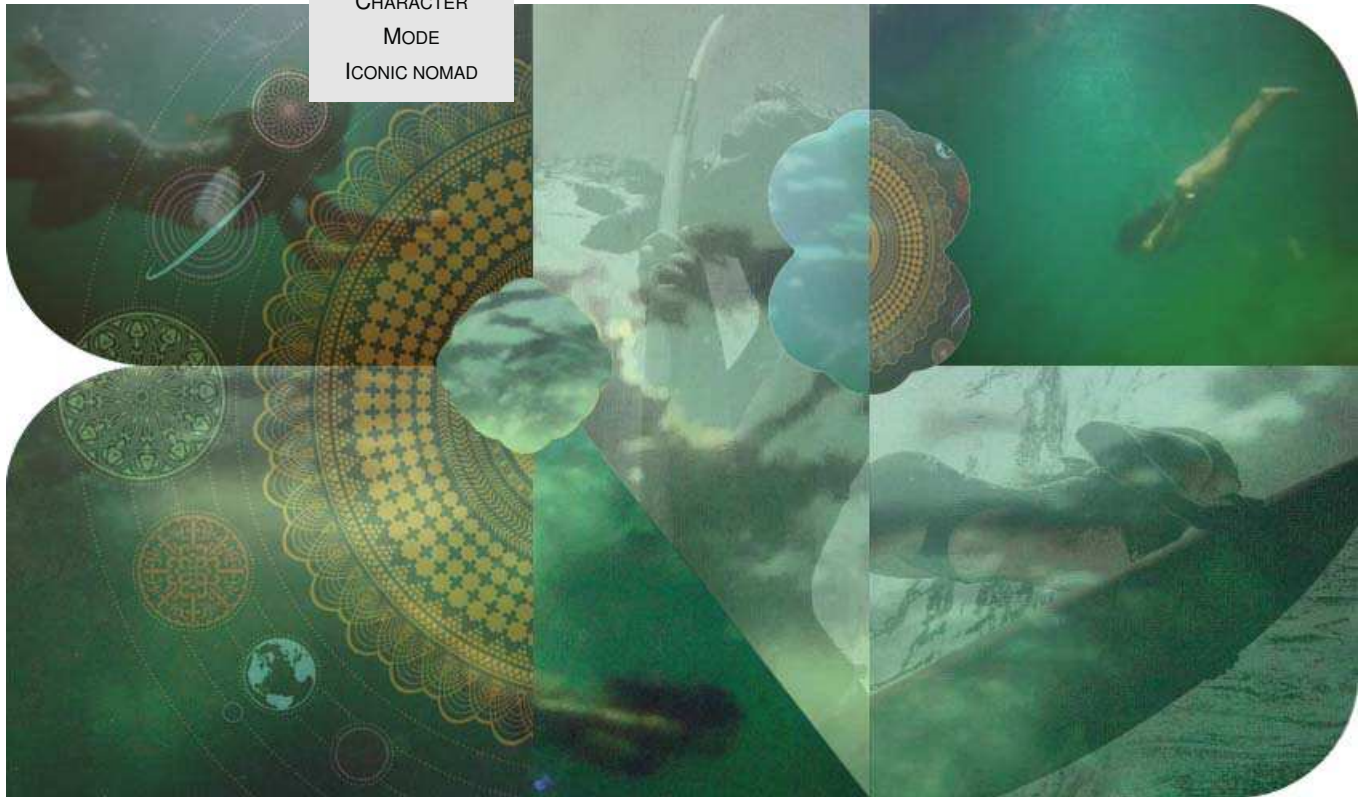
NEWS

STYLE

TRAVEL

Featured ▶ Swim ▶ Friday, 01s SURF MONTAUK by Jun Lee of EIR NYC

FILM  
MUSIC  
CHARACTER  
MODE  
ICONIC NOMAD



[CLICK HERE TO SWIM NOMAD CHIC](#)

"I did not plan to spend the summer moving painfully through the sea rather than riding triumphantly upon it. But 10 months earlier, surfing in the waters off Bali, I was flung off my board, severely injuring my right shoulder. I needed two surgeries, and was heartbroken to learn that the recovery would take a year- which meant a year off my board. But instead of avoiding the sea, I was drawn towards it. I spent the summer swimming my way to recovery.

Because I couldn't surf, my friend would take me out on his Hawaiian outrigger and we would try to catch waves. On the calmest of days the water was like glass, and we would gaze down, enchanted, all the way to the rocks lining the ocean floor. I loved being on and in the water, but not the way the heavy duty Zinc sunblock- a surfer favorite - parched my skin.

So I resolved to take matters into my own hands – to create the perfect sunblock, one that was organic, natural, eco-friendly, and both waterproof and hydrating. I had been mixing essential oils for a decade, and consulted with

EIR00190

expert practitioners, herbalists and acupuncturists about how best to use them. The result was [Surf Mud](#). My first 'customers' were my friends, and as the word spread amongst surfers I found I could barely keep up with demand. Soon, local shops were carrying Surf Mud, and I branched out into other healing products. My company is called [EiR](#), in honor of the Norse goddess of health and healing, who used nature's bounty to sustain and balance the body, spirit and soul."

**FAVORITE MONTAUK SWIM SPOT:** [Navy Beach](#)

**STAY:** [Sole East](#)

**EAT:** [Naturally Good](#)

~Jun Lee

*Jun Lee is the founder of [EiR NYC](#).*

March 2014

TAGS: [COLLAGE](#) [BEAUTY](#) [SWIM](#) [SEA](#) [SURF](#) [JUN LEE](#)

[◀ PREV](#) [NEXT ▶](#)

## RELATED STORIES



### "IT'S ALWAYS OURSELV...

For the first time in forever, I felt genuine, pre...

08/16/2012



### Kee Edwards: Favorit...

Kee Edwards of Loup Charmant shares a love of isla...

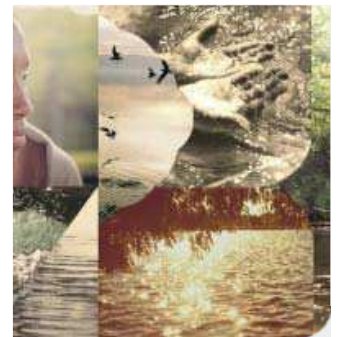
09/12/2012



### SWIM by LAURA LOBDEL...

Laura Lobdell's beautiful bejeweled nomad life. As...

04/03/2015



### BEAUTY SWIM by JODI...

Swimming as the pathway for beauty guru Jodie Patt...

01/31/2013

[VIEW ALL COMMENTS](#)



FACEBOOK



TUMBLR



TWITTER



PINTEREST



EMAIL

[▲ Return to Top](#)

[ABOUT](#) [ADVERTISE](#) [CONTACT](#) [PRESS](#) [PRIVACY](#) [SUBSCRIBE](#) [TERMS OF USE](#)

©2013 NOMAD-CHIC

SIGN UP

ENTER EMAIL FOR NEWSLETTER

SUBMIT

# **EXHIBIT 10**



Jun Lee <[jun@eirnyc.com](mailto:jun@eirnyc.com)>

---

## Surf Mud Zinc

3 messages

---

**[meryl@mcjconsulting.com.au](mailto:meryl@mcjconsulting.com.au)** <[meryl@mcjconsulting.com.au](mailto:meryl@mcjconsulting.com.au)>  
To: [SALES@eirnyc.com](mailto:SALES@eirnyc.com)

Fri, Dec 12, 2014 at 10:53 PM

Hi,

I was recommended your Surf Mud Zinc product by Richard and Amy Kotch while we were working together at Macaronis Resort in the Mentawai's (I look after the accounting for the resort).

From your website it doesn't look like you ship to Australia? I'm keen to purchase some product for me and some friends. I was hoping to get it in time for Christmas but realise that may not be possible?

The Kotch's were raving about you, so as an aside if you're wanting to distribute in Australia and are looking for partners I'd be happy to help by trying to introduce you to the right person / business. I'm an accountant so it's not my area of expertise, but I'm quite involved in the start-up community on the Gold Coast and there are a number of surf related businesses here. Something like Board Cave might be a good fit for you.  
<http://www.boardcave.com.au/>

Kind Regards,

Meryl

Meryl Johnston

**Founder and Principal Consultant**

MCJ Consulting

<http://mcjconsulting.com.au/>

+61 400 108 579

[meryl@MCJconsulting.com.au](mailto:meryl@MCJconsulting.com.au)





---

**Jun Lee** <jun@eirnyc.com>

Mon, Dec 15, 2014 at 2:12 PM

To: "meryl@mcjconsulting.com.au" <meryl@mcjconsulting.com.au>

Hello Meryl,

Thanks so much for your email. I can ship to Australia and can get you a quote. Might be a possibility to send by Christmas. Please provide your shipping address.

We can discuss potential partnership in distribution in Australia and also in Mentawai !  
Would you like to get on a call to discuss or what would you need from us?

Looking forward to discussing further about this.

Best,  
Jun Lee  
[Quoted text hidden]  
--  
Jun Lee  
[www.eirnyc.com](http://www.eirnyc.com)

---

**meryl@mcjconsulting.com.au** <meryl@mcjconsulting.com.au>

Mon, Dec 15, 2014 at 4:31 PM

To: Jun Lee <jun@eirnyc.com>

Hi Jun,

I think have wrong Surfmud, the one I was thinking of was created by a guy called Jason, but thanks for your reply.

Cheers,

Meryl



**From:** Jun Lee [mailto:[jun@eirnyc.com](mailto:jun@eirnyc.com)]  
**Sent:** Tuesday, 16 December 2014 5:13 AM  
**To:** [meryl@mcjconsulting.com.au](mailto:meryl@mcjconsulting.com.au)  
**Subject:** Re: Surf Mud Zinc

[Quoted text hidden]

# **APPENDIX D**

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 86496296

Filing Date: 01/06/2015

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">SURF MUD</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SURF MUD
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	EIR NYC LLC
*STREET	270 Clinton Avenue - #2F
*CITY	Brooklyn
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	11205
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	New York
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	003
*IDENTIFICATION	Non-medicated skin care preparations
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/00/2012
FIRST USE IN COMMERCE DATE	At least as early as 12/00/2012

<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE00-6473113252-20150106135054078980_.16129607_SURF_MUD_specimen.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\864\962\86496296\xml1\FTK0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	digital image of packaging
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Luke W. DeMarte
<b>ATTORNEY DOCKET NUMBER</b>	032630-9004
<b>FIRM NAME</b>	Michael Best & Friedrich LLP
<b>STREET</b>	180 N. Stetson, Suite 2000
<b>CITY</b>	Chicago
<b>STATE</b>	Illinois
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	60601
<b>PHONE</b>	312.222.5795
<b>FAX</b>	312.222.0818
<b>EMAIL ADDRESS</b>	chiipdocket@michaelbest.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Jeffrey H. Brown, Michelle E. Kouba
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	Luke W. DeMarte
<b>FIRM NAME</b>	Michael Best & Friedrich LLP
*STREET	180 N. Stetson, Suite 2000
*CITY	Chicago
*STATE (Required for U.S. applicants)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE	60601
<b>PHONE</b>	312.222.5795
<b>FAX</b>	312.222.0818

* EMAIL ADDRESS	chiipdocket@michaelbest.com;lwdemarte@michaelbest.com
* AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
* TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/JunLee/
* SIGNATORY'S NAME	Jun Lee
* SIGNATORY'S POSITION	President
SIGNATORY'S PHONE NUMBER	9179228837
* DATE SIGNED	01/06/2015

---

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 86496296**

**Filing Date: 01/06/2015**

#### To the Commissioner for Trademarks:

**MARK:** SURF MUD (Standard Characters, see [mark](#))

The literal element of the mark consists of SURF MUD.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, EIR NYC LLC, a limited liability company legally organized under the laws of New York, having an address of  
270 Clinton Avenue - #2F  
Brooklyn, New York 11205  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 003: Non-medicated skin care preparations

In International Class 003, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 12/00/2012, and first used in commerce at least as early as 12/00/2012, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) digital image of packaging.

#### Original PDF file:

[SPE00-6473113252-20150106135054078980 . 16129607\\_SURF\\_MUD\\_specimen.pdf](#)

#### Converted PDF file(s) (1 page)

[Specimen File1](#)

#### The applicant's current Attorney Information:

Luke W. DeMarte and Jeffrey H. Brown, Michelle E. Kouba of Michael Best & Friedrich LLP  
180 N. Stetson, Suite 2000  
Chicago, Illinois 60601  
United States

The attorney docket/reference number is 032630-9004.

#### The applicant's current Correspondence Information:

Luke W. DeMarte  
Michael Best & Friedrich LLP  
180 N. Stetson, Suite 2000  
Chicago, Illinois 60601  
312.222.5795(phone)  
312.222.0818(fax)  
chiipdocket@michaelbest.com;lwdemarte@michaelbest.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /JunLee/ Date Signed: 01/06/2015

Signatory's Name: Jun Lee

Signatory's Position: President

RAM Sale Number: 86496296

RAM Accounting Date: 01/07/2015

Serial Number: 86496296

Internet Transmission Date: Tue Jan 06 14:58:57 EST 2015

TEAS Stamp: USPTO/FTK-XX.XX.XXX.XXX-2015010614585787

8993-86496296-5006863e3d3bdb5710357f3493

69adb4a21b2b6fc4ea4dbc2ff2cbc2653ec8cb-C

C-1174-20150106135054078980

SURF MUD





# **APPENDIX E**

**To:** EIR NYC LLC ([chiipdocket@michaelbest.com](mailto:chiipdocket@michaelbest.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86496296 - SURF MUD - 032630-9004  
**Sent:** 4/13/2015 12:38:20 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)  
[Attachment - 9](#)  
[Attachment - 10](#)  
[Attachment - 11](#)  
[Attachment - 12](#)  
[Attachment - 13](#)  
[Attachment - 14](#)  
[Attachment - 15](#)  
[Attachment - 16](#)  
[Attachment - 17](#)  
[Attachment - 18](#)  
[Attachment - 19](#)  
[Attachment - 20](#)  
[Attachment - 21](#)  
[Attachment - 22](#)  
[Attachment - 23](#)  
[Attachment - 24](#)  
[Attachment - 25](#)  
[Attachment - 26](#)  
[Attachment - 27](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 86496296

**MARK:** SURF MUD

**CORRESPONDENT ADDRESS:**

LUKE W. DEMARTE  
Michael Best & Friedrich Llp  
180 N Stetson Ave Ste 2000  
Chicago, IL 60601-6807

**\*86496296\***

**CLICK HERE TO RESPOND TO THIS LETTER:**  
[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** EIR NYC LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO :**  
032630-9004

**CORRESPONDENT E-MAIL ADDRESS:**  
[chiipdocket@michaelbest.com](mailto:chiipdocket@michaelbest.com)

## OFFICE ACTION

### STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 4/13/2015**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

#### Disclaimer

Applicant must disclaim the wording "MUD" because it merely describes a desirable feature of applicant's goods, and thus is an unregistrable component of the mark. See 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); TMEP §§1213, 1213.03(a). The attached materials downloaded from AMAZON.COM shows different products for the skin featuring MUD.

An applicant may not claim exclusive rights to terms that others may need to use to describe their goods and/or services in the marketplace. See *Dena Corp. v. Belvedere Int'l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. See *Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. See *In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

**No claim is made to the exclusive right to use "MUD" apart from the mark as shown.**

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/disclaimer.jsp>.

#### No Conflicting Marks

The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d). However, marks in prior-filed pending application may present a bar to registration of applicant's mark.

#### Pending Application

The filing date of pending U.S. Application Serial No. 89335393 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

#### Assistance

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Alice Benmaman/  
Examining Attorney  
Law Office 116  
(571) 272-9126  
alice.benmaman@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Print: Apr 13, 2015

86335393

**DESIGN MARK**

**Serial Number**

86335393

**Status**

OPPOSITION PENDING

**Word Mark**

SURF MUD

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

COLEMAN Jason INDIVIDUAL AUSTRALIA PO Box 71 Cotton Tree QLD 4558  
AUSTRALIA

**Owner**

ANFIELD Jason INDIVIDUAL AUSTRALIA PO Box 655 Bulimba, QLD 4171  
AUSTRALIA

**Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:  
Concealers for skin, face and body; Cosmetic preparations for  
protecting the skin from the sun's rays; Cosmetic sun-protecting  
preparations; Cosmetic sunscreen preparations; Waterproof sunscreen.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MUD" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2014/07/12

**Examining Attorney**

LAW, CHRISTOPHER

SURF MUD



Roll over image to zoom in



### Borghese Fango Active Mud for Face and Body

★★★★☆ 270 customer reviews

Price: \$25.59 & FREE Shipping on orders over \$35. Details

In Stock

Ships from and sold by Amazon.com. Gift-wrap available.

Want it tomorrow, April 14 to 22204? Order within 23 hrs 26 mins and choose Same-Day Delivery at checkout.  
Size 7 oz.

7 oz.	17.6 oz.
\$25.59	\$64.97

#### Description

Infused with sweet almond and avocado oils, this mud detoxifies and does away with dull skin, leaving skin radiant and refreshed. It exfoliates and helps surface cell turnover, imparting clarity.

#### Benefits

Hydrates and firms; reduces fine lines and provides smooth, toned texture.

#### Suggested Use

Apply thick layer on cleansed face and/or body for 5-10 minutes. Rinse thoroughly.

More about this item

Qty: 1

☐ Yes, I want FREE Two-Day Shipping with Amazon Prime

Add to Cart

Turn on 1-Click ordering for this browser

Add to Wish List

#### Other Sellers on Amazon

\$17.51

+ \$4.49 shipping

Sold by: SkinFacade

2 new from \$17.51

Share

### Complete the regimen

Curated by: Carissa M.  
Amazon Beauty Editor



"Bring your skin back to life with these essentials."



Use with



Borghese Tono Body Creme, 7 oz.

\$47.50 ★★★★★

"Put this botanical blend to work and get your glow back in a flash."

☒ Include this item

Price for all four: \$143.59

Add all four to Cart






**This item:** Borghese Fango Active Mud for Face and Body, 7 oz.  
\$25.59



Borghese Fango Body Refining Polish, 8 oz.  
\$49.00  
“Exfoliation without irritation—grab this polish to buff your skin to a healthier, softer-looking tone and texture.”  
☒ Include this item



Borghese Piedi Vitale Therapeutic Foot Creme, 3.5 oz.  
\$21.50 ☆☆☆☆  
“Sugar and citrus conspire to do away with calluses for soft, smooth skin.”  
☒ Include this item

Add all four to Wish List

Looking for more options?  
[Shop all Borghese](#)

Special Offers and Product Promotions

- Size: 7 oz.
- Use Points:** Enroll your eligible American Express Card to use Membership Rewards points toward the purchase of this item. Terms and limitations apply. [Learn more.](#)

Customers Who Viewed This Item Also Viewed



Borghese Fango Brillante Brightening Mud Mask for Face and Body  
☆☆☆☆☆ 47  
\$25.67 - \$51.41



Borghese Fango Delicato Active Mud for Delicate Dry Skin  
☆☆☆☆☆ 34  
\$24.00 - \$44.59



Borghese Fango Ferma Firming Mud Mask for Face and Body  
☆☆☆☆☆ 6  
\$27.60 - \$56.21



Borghese Crema Saponetta Cleansing Creme, 6.7 oz.  
☆☆☆☆☆ 56  
\$27.21 *Prime*



Borghese Fango Purificante Purifying Mud Mask for Face and Body  
☆☆☆☆☆ 4  
\$37.00 - \$72.50



Borghese Fango Ristorativo Restorative Hydrating Mud Mask for Face and Body  
☆☆☆☆☆ 5  
\$23.31 - \$65.82

Product Description

Size: 7 oz.

Our signature and classic Fango Active is a one-and-only, must-have, mineral-rich mud. It's a sensational step beyond everyday clean. Derived from traditional Tuscan treatments, its deep-down purifying power purges and minimizes pores. It exfoliates and helps surface cell turnover, imparting clarity. It hydrates and firms reducing fine lines and providing smooth, toned texture. Infused with sweet almond and avocado oils, this mud detoxifies and does away with dull skin, leaving skin radiant and refreshed.

Product Details

- Size Name: 7 oz.
- Product Dimensions:** 2 x 2 x 4 inches ; 7 ounces
  - Shipping Weight:** 8.8 ounces (View shipping rates and policies)
  - Shipping:** This item is also available for shipping to select countries outside the U.S.

**ASIN:** B001B1SKRM

**Item model number:** 029923

**Average Customer Review:** ★★★★★ (270 customer reviews)

**Amazon Best Sellers Rank:** #29,233 in Beauty (See Top 100 in Beauty)

Manufacturer's warranty can be requested from customer service. Click here to make a request to customer service.

Would you like to **give feedback on images** or **tell us about a lower price?**

Customer Reviews

★★★★★ (270)

4.6 out of 5 stars

5 star

4 star

3 star

2 star

1 star

See all 270 customer reviews

Use it 3 times a week!

CC

It stings and tingles a little at first but is ultimately soothing to the skin.

-DH-

My skin feels very clean and refresh, smooth and soft afterwards.

tn\_ngyn

Most Helpful Customer Reviews

41 of 46 people found the following review helpful

★★★★★ Love Fangot!!!! I will use this as long as I can find it!!!!

By A. Read on April 29, 2008

Size Name: 17.6 oz.

I've been using the Fango for over 5 years and love it!!!! I use it at least once a week as my normal facial mask. I've also learned it has other uses other than a mask. It can be used to soothe surface burns (although I probably wouldn't use it on sunburn) and poison oak and/or ivy. My brother accidentally found himself in some poison oak right before my sister's wedding and I put this on his arm - it healed in no time! Not in time for the wedding, but faster than it would otherwise. I will say, however, the first time I used it there was a strong tingling sensation, but afterwards my skin felt clean and refreshed. Also, since it lasts so long, should it dry out - just add some water. If you're wanting to try this product, I say go for it! If you don't like how it makes your skin feel, then you have something to help treat minor bumps, burns, and even poison oak!!! And who couldn't use some of that on occasion?!

Oh! One more thing: it comes in a squeeze tube as well - don't get that. It dries out quickly and when you try to add water, it's a mess! The jar is best!

2 Comments Was this review helpful to you? 

Yes

No

12 of 13 people found the following review helpful

★★★★★ Unique and it WORKS!

By JackieH on January 6, 2014

Size Name: 17.6 oz. Verified Purchase

I have tried many masks all to help ease my acne prone and extremely oily skin. I have tried the Aztec Indian Healing Mask, and comparing it to this mask it's just okay. A little bit of this goes an extremely long way and will last forever. Initially, the feeling of the mask is nice and smooth and feels luxurious going onto the skin, whereas I found putting on the Aztec mask to be a hassle to put on, but that could just be me. It says to take it off when it is still wet and only to be left on for a total of 5 minutes, but I didn't really feel like that was long enough to get any significant benefits. I leave it on for a total 20-25 minutes and can see all of the gunk that it takes out of my pores. This leaves me a little bit red, but I believe its from the pulsating from the circulation of blood. I did notice a small purging the day afterwards, but nothing big just a few small breakouts on my cheeks where I had most of my clogged pores. I noticed an instant shrinkage of my pores. But what is really significant about this mask is the way I feel after it. Since I have tried many masks, I have never found one that has made me feel cleaner. I didn't know what I was missing with the clean feeling, but comparing how my skin feels now to how it felt last week, there is a drastic difference. I am not the only one who can vouch for this, as I had my brother try this mask on and the first thing he said after he took it off was how clean his face felt and how he never felt anything like it. This will last you a LONG time, I've used it about 5 times and barely even scratched the surface. Completely recommend this, it's the best mask I have ever tried.

Comment Was this review helpful to you? 

Yes

No

Most Recent Customer Reviews

★★★★★ Four Stars

useful

Published 4 hours ago by Miao Yongqiang

★★★★★ Still the best: )

Have used for 15 years. Still the best :)

Published 23 hours ago by Maria D. Johnson

★★★★★ Love it!

Cheaper than department store. After using this, my face is bright and soft. Love it!

Published 1 day ago by Candy P

★★★★★ Five Stars

so good~

Published 17 days ago by yangchen

★★★★★ Great product. Stings a little when applied but don't ...

Been using Borghese Fango for about 2 years. My skin is softer and younger looking more than ever! Great product. [Read more](#)

Published 20 days ago by Kaweng

★★★★★ Five Stars

Good to use every weeks

Published 1 month ago by Kora

★★★★★ Five Stars

have been using this product for years

Published 1 month ago by Chuanhua Yu

★★★★★ Im just starting but so far so good, pores are clean and skin looks

25 of 30 people found the following review helpful

☆☆☆☆ **I've used this most of my life and my skin is better for it**

By nishottara on November 13, 2012

Size Name: 17.6 oz.

I'm 39 and have been using this regularly since I was about 13. Yes, it's active-this takes some getting used to-but as an esthetician for over 15 years I have yet to find a mud that does what this does. I feel very strongly that this has minimized my skin aging. It is stimulating, exfoliating, refining, firming and hydrating and great for oilier skin in particular. They now make a milder version for sensitive skin and one for drier skin for those who can't tolerate this. I would like to remind everyone though if the body isn't properly hydrated or the skin too stimulated by caffeine consumption or high histamine levels or hormonal imbalances, anything you put on it will sting/burn...There are nice mud masks out there (I also like bioelements restorative clay for deep cleansing) but nothing quite like this. Trust me. I've worked with at least a dozen skin care lines, some very high end; this is the best at what it does.

Comment Was this review helpful to you?

20 of 24 people found the following review helpful

☆☆☆☆☆ **active mud for face**

By Joseph H. Armstrong on June 28, 2008

Size Name: 7 oz.

I have used products from other stores but I keep coming back to Borghese. My skin doesn't break out or feel dried out. I love this product and would recommend to any fair skinned red head such as myself (Joe's wife)

Comment Was this review helpful to you?

14 of 17 people found the following review helpful

☆☆☆☆☆ **good product, very strong cleansing.**

By Y. Wang on September 23, 2007

Size Name: 17.6 oz.

I use it as a cleansing mask, it is very strong and smells good. I like it, but I think it is too strong for sensitive skin, sometimes make my face a little painful.

1 Comment Was this review helpful to you?

5 of 5 people found the following review helpful

☆☆☆☆☆ **great product**

By S. Murray on September 27, 2011

Size Name: 17.6 oz.

have been using this mask for 20+ years at least 2x per month, and works wonders for my complexion. It used to cost \$50.00 at department stores.

Comment Was this review helpful to you?

19 of 24 people found the following review helpful

☆☆☆☆☆ **Saved my son's scalp**

By T. Noy on October 16, 2013

Size Name: 17.6 oz.

When my now grown son was a child of about 4, he developed a scalp condition. It would get very scaly and no amount of cleansing and baby oil would make a lasting improvement. I took him to the dermatologist, who prescribed a very toxic and strong solution to be applied 3 times a day with a serious warning that it could not come in contact with mucous membranes and dangerous if ingested. It was almost impossible to keep the poor kid's hands off his itching head, so in desperation I reached for a jar of Fango - which I got as a promotional Women's Week Celebration at Revlon way back when it was called Terme di Montecatini mud by Marcella Borghese. I slathered his whole head in this Fango and crossed my fingers. That was 30 years ago and to this day I'm still astounded at the miraculous recuperation of my son's scalp. After only one treatment, the scales disappeared for good, his hair - which had already begun to thin - started growing back to normal and in no time the nightmare was forgotten.

1 Comment Was this review helpful to you?

See all 270 customer reviews (newest first) »

☆☆☆☆☆ **Im just starting but so far so good, pores are clean and skin looks...**

Im just starting but so far so good. Pores are clean and skin looks much better

Published 1 month ago by Martin12

☆☆☆☆☆ **Five Stars**

Awesome! Use it 3 times a week!

Published 2 months ago by CC

☆☆☆☆☆ **Five Stars**

Borghese is true Italian beauty!

Published 2 months ago by G

Search Customer Reviews

☒ Search these reviews only

Write a customer review

Customer Questions & Answers

Have a question? Ask the owners here

Don't see what you're looking for? Submit your question to our community by clicking the 'Ask' button above

▲  
0  
votes

▼

does this product contain parabens?

A: I really don't think it does, it has been the best stuff I've ever used, I didn't get break outs like other top name brands gave me. It's all natural & makes your skin feel silky soft that I will continue using my Borghese products I love this line & would continue to always use this line & would never change to any of... see more

Donna M. Diccio answered on March 15, 2015

Customers Who Bought This Item Also Bought

Borghese Fango Brillante  
Brightening Mud Mask for  
Face and Body  
★★★★☆ 47  
\$25.67 - \$51.41

Borghese Crema  
Saponetta Cleansing  
Creme, 6.7 oz.  
★★★★☆ 55  
\$27.21 *Prime*

Borghese Fango Ferma  
Firming Mud Mask for Face  
and Body  
★★★★☆ 6  
\$27.60 - \$56.21

Borghese Crema  
Saponetta Cleansing Face  
& Body Bar  
★★★★☆ 16

Borghese Piedi Vitale  
Therapeutic Foot Creme,  
3.5 oz.  
★★★★☆ 3  
\$21.50 *Prime*

Borghese Fango Delicato  
Active Mud for Delicate Dry  
Skin  
★★★★☆ 34  
\$24.00 - \$44.59

Feedback


- ▶ If you have a question or problem, visit our [Help pages](#).
- ▶ If you are a seller for this product and want to change product data, click [here](#) (you may have to sign in with your seller id).

**Disclaimer:** While we work to ensure that product information is correct, on occasion manufacturers may alter their ingredient lists. Actual product packaging and materials may contain more and/or different information than that shown on our Web site. We recommend that you do not solely rely on the information presented and that you always read labels, warnings, and directions before using or consuming a product. For additional information about a product, please contact the manufacturer. Content on this site is for reference purposes and is not intended to substitute for advice given by a physician, pharmacist, or other licensed health-care professional. You should not use this information as self-diagnosis or for treating a health problem or disease. Contact your health-care provider immediately if you suspect that you have a medical problem. Information and statements regarding dietary supplements have not been evaluated by the Food and Drug Administration and are not intended to diagnose, treat, cure, or prevent any disease or health condition. Amazon.com assumes no liability for inaccuracies or misstatements about products.


Your Recently Viewed Items and Featured Recommendations

Inspired by your browsing history







Joico Color Endure Violet...  
★★★★☆ (15)  
\$14.53 *Prime*




Joico Color Endure Shampoo and...  
★★★★☆ (108)  
\$25.30 *Prime*



Color Endure Violet Conditioner...  
★★★★☆ (9)  
\$12.30









Joico Color Endure Shampoo and...  
★★★★☆ (16)  
\$16.95 *Prime*



Schwarzkopf BC Bonacure Color...  
★★★★☆ (6)  
\$5.99

You viewed



> View or edit your browsing history

Get to Know Us  
Careers  
Investor Relations  
Press Releases  
Amazon and Our Planet  
Amazon in the Community  
Amazon Devices

Make Money with Us  
Sell on Amazon  
Sell Your Services on Amazon  
Sell Your Apps on Amazon  
Become an Affiliate  
Advertise Your Products  
Self-Publish with Us  
Become an Amazon Vendor  
> See all

Amazon Payment Products  
Amazon.com Rewards Visa Card  
Amazon.com Store Card  
Amazon.com Corporate Credit Line  
Shop with Points  
Credit Card Marketplace  
Amazon Currency Converter

Let Us Help You  
Your Account  
Shipping Rates & Policies  
Amazon Prime  
Returns & Replacements  
Manage Your Content and Devices  
Help

amazon.com

Australia	Brazil	Canada	China	France	Germany	India	Italy	Japan	Mexico	Netherlands	Spain	United Kingdom
Abetbooks Rare Books & Textbooks		ACX Audiobook Publishing Made Easy				AfterSchool.com Kids' Sports, Outdoor & Dance Gear				Alexa Actionable Analytics for the Web		AmazonFresh Groceries & More Right To Your Door
		Amazon Web Services Scalable Cloud Computing Services				Audible Download Audio Books				BeautyBar.com Prestige Beauty Delivered		Book Depository Books With Free Delivery Worldwide
				Diapers.com Everything For The Baby		DPRview Digital Photography				East Dane Designer Men's Fashion		Fabric Sewing, Quilting & Knitting
						Look.com Kids' Clothing & Shoes				MYHABIT Private Fashion Designer Sales		Shopbop Designer Fashion Brands
												Soap.com Health, Beauty & Home Essentials

Discover beautiful things on Amazon, updated daily **SHOP**

amazon

Alice's Amazon.com Today's Deals Gift Cards Sell Help

Spring Outlet Event

Shop by Department Search All active mud for face and body Hello, Alice Your Account Try Prime Wish List Cart

All Beauty Luxury Beauty Makeup Skin Care Hair Care Fragrance Tools & Accessories Men's Grooming Best Sellers New Arrivals Sales & Special Offers

Back to search results for "active mud for face and body"



Roll over image to zoom in

## Dead Sea Mud Mask for Women, Men & Teens - Enriched with Organic Mineral Youth Formula to Balance Oily Skin, Remove Acne, Wrinkles & Exfoliate - Anti Aging Facial Cleanser Heals Oily Skin, Psoriasis, Minimizes Pores, Cleansing & Detoxifying Scrub - 9oz

by Maple Holistics  
☆☆☆☆☆ 227 customer reviews | 5 answered questions

Price: \$35.00  
Sale: \$13.77 & FREE Shipping on orders over \$35. Details

In Stock.  
Sold by Maple Holistics and Fulfilled by Amazon. Gift-wrap available.

Want it tomorrow, April 14 to 222047 Order within 23 hrs 26 mins and choose Same-Day Delivery at checkout.

- Pure, rich dead sea mud from Israel, which contains a higher mineral content than any other mud - Minimizes the look of pores by helping dissolve impurities with Organic Formula
- Helps to maintain skins natural elasticity with Pure Organic Lavender and German Chamomile, for a toning and uplifting effect
- Boasts high levels of anti-inflammatory properties which repair cracked and broken skin for softness and cleanliness
- Enriched with an Organic Formula to penetrates down into skin's surface & extract impurities found deep inside the skin pores, which maximize the dead sea mud's therapeutic benefits
- Contains no synthetic fragrances or actives which disturb the balance of naturally active constituents - Therapeutic hydration softens the appearance of fine lines and wrinkles

3 new from \$13.77

Share

Qty: 1

☐ Yes, I want FREE Two-Day Shipping with Amazon Prime

Add to Cart

Turn on 1-Click ordering for this browser

Ship to:

Alice Benmaman

Add to Wish List

Other Sellers on Amazon

\$15.49  
& FREE Shipping on orders over \$35.00. Details  
Sold by: Etalix  
3 new from \$13.77

### Frequently Bought Together



Price for all three: \$40.71

Add all three to Cart

Add all three to Wish List

Show availability and shipping details

- ☒ This item: Dead Sea Mud Mask for Women, Men & Teens - Enriched with Organic Mineral Youth Formula to Balance Oily ... \$13.77
- ☒ Natural Conditioner By Maple Holistics - Sulfate Free Treatment for Dry and Damaged Hair - 18 Silk Amino ... \$12.97
- ☒ SALE1 Argan Oil Shampoo, Sulfate Free - With Argan, Jojoba, Avocado, Almond, Peach Kernel, Camellia ... \$13.97

### Special Offers and Product Promotions

• **Use Points:** Enroll your eligible American Express Card to use Membership Rewards points toward the purchase of this item. Terms and limitations apply. Learn more.

Sponsored Products Related To This Item (What's this?)

Page 1 of 2



Dead Sea Mud Mask - Spa's Premium HUGE 3oz Dead Sea Mud Mask for Face Fa...  
★★★★☆ (179)  
\$19.95 *Prime*



Niacinamide Vitamin B3 Cream Serum 5%- 1 Oz - Visibly Tightens Pores, Re...  
★★★★☆ (305)  
\$19.97 *Prime*



LAVO High Performance Volcanic Mud Mask - Best Natural Facial for ALL Sk...  
★★★★☆ (208)  
\$23.97 *Prime*



Introducing Revolutionary Product: A Luxury Anti Aging Treatment Formula...  
★★★★☆ (366)  
\$26.88



Omiera Labs Acdue -Acne Treatment, Acne, Acne Scars & Anti Aging, Anti W...  
★★★★☆ (31)  
\$96.39 *Prime*



Caru Skincare - Activated Charcoal + Dead Sea Salt Organic Face Soap  
★★★★☆ (28)  
\$14.00



Seaweed Powder - The Best Cellulite Treatment - Cellulite Remover PowerH...  
★★★★☆ (164)  
\$19.95 *Prime*



Before or After Plastic Surgery or Botox Injections Kit, Including the 4...  
★★★★☆ (5)  
\$145.97 *Prime*



Top 3 Skin Care Products By Beau Visage Featuring Non Surgical Face Lift...  
\$108.99

Ad feedback

Customers Who Bought This Item Also Bought



Natural Conditioner By Maple Holistics - Sulfate Free Treatment for Dry and Damaged...  
★★★★☆ 1,074  
\$12.97 *Prime*



SALE! Argan Oil Shampoo, Sulfate Free - With Argan, Jojoba, Avocado, Almond, Peach...  
★★★★☆ 567  
**#1 Best Seller** in Hair Perms & Straighteners  
\$13.97 *Prime*



Natural Facial Serum for Women & Men - Purest Vitamin C Serum + Vitamin A & E + Hyaluronic...  
★★★★☆ 82  
\$11.77 *Prime*



Pure Clay Mask Treatment - 100% Pure French Green, Bentonite, and Fuller's Earth Clay...  
★★★★☆ 73  
\$11.77 *Prime*



Eye Cream for Wrinkles, Dark Circles & Puffiness with Natural Ingredients, Highest Grade...  
★★★★☆ 104  
\$14.77 *Prime*



Dead Sea Mud Facial Mask + FREE BONUS EBOOK! - Ancient Natural Facial Mask and Acne...  
★★★★☆ 1,008  
\$24.77 *Prime*

Important Information

**Indications**  
It is best applied as a face or body mask to be left on the skin to dry, followed up by a rinse and moisturizer. This mud from the Dead Sea provides the richest mineral mud universally, and feels cool and soft to spread on as a mask. Works to remove toxins and impurities from the skin, tighten and tone the skin, and improve blood circulation, which may aid in cell regeneration.

**Ingredients**  
Dead sea mud (from Israel), Almond essential oil, Organic Clary sage, Organic Lavender, Organic German chamomile, Biodynes EMPP and Pseudocollagen.

**Directions**  
HOW TO USE: Cleanse skin, apply a thin layer to damp face, Massage on with a gentle touch using circular motions. Avoid prolonged massaging in any one area, leave on for 5-10-15-20 or more minutes. Rinse thoroughly.

Product Description

Mud from the Dead Sea works to remove toxins and impurities from the skin, tighten and tone the skin, and improve blood circulation, which may aid in cell regeneration. Although sounding unappealing at first, mud masks have become a specialty throughout spas and beauty centers all throughout the country because of the benefits.

- Smooths skin's surface and restores elasticity
- Calms, comforts and clarifies your skin, reducing irritation that can accelerate the appearance of aging with improved blood circulation
- Skin looks brighter, more radiant and significantly firmer with high content of natural anti-inflammatory compounds

Organic Mineral Youth formula amplifies skin's natural ability to look healthy, awake, and alive

Infused with an impeccable synergistic formula which maximizes therapeutic value and emphasizes aromatherapy for enhanced relaxation

Lavender: Not only does Lavender contain properties which synergize with the mud's minerals and attain maximum absorption, Lavender promotes healthier facial skin and works wonders for blemishes or cuts.

German Chamomile Naturally pure, rejuvenating and anti-inflammatory, German Chamomile contains traces of lithium to help calm nerves, reduce stress, lower hysteria, and help with insomnia.

Clary Sage Highlighted with almond notes, relaxing and sedative Clary Sage staples together with German Chamomile to deliver an herbaceous aromatherapy experience.

Maple Holistics' Dead Sea Mud Mask

Mineral Youth carries a plethora of therapeutic benefits which healthily works to reduce wrinkling, black heads and aging skin; all while providing a relaxing home spa experience.

Product Details

**Product Dimensions:** 3 x 2.6 x 2.1 inches ; 4 ounces  
**Shipping Weight:** 9.6 ounces (View shipping rates and policies)  
**ASIN:** B00BLDCXOQ  
**UPC:** 045635860018  
**Average Customer Review:** ★★★★★ (227 customer reviews)  
**Amazon Best Sellers Rank:** #3,605 in Beauty (See Top 100 in Beauty)  
#42 in Beauty > Skin Care > Face > Treatments & Masks > **Masks**  
Would you like to **give feedback on images** or **tell us about a lower price**?

Customers Who Viewed This Item Also Viewed



InstaNatural Dead Sea Mud Facial Mask - Skin Cleanser, Pore Reducer & Natural Moisturizer...  
★★★★★ 1,299  
\$27.75 *Prime*



Dead Sea Mud Facial Mask + FREE BONUS EBOOK! - Ancient Natural Facial Mask and Acne...  
★★★★★ 1,008  
\$24.77 *Prime*



Pure Clay Mask Treatment - 100% Pure French Green, Bentonite, and Fuller's Earth Clay...  
★★★★★ 73  
\$11.77 *Prime*



Eye Cream for Wrinkles, Dark Circles & Puffiness with Natural Ingredients, Highest Grade...  
★★★★★ 104  
\$14.77 *Prime*



Dead Sea Facial Mud Mask For All Skin Types - BETTER SKIN OR YOUR MONEY BACK - From...  
★★★★★ 335  
\$16.68 *Prime*



Natural Facial Serum for Women & Men - Purest Vitamin C Serum + Vitamin A & E + Hyaluronic...  
★★★★★ 82  
\$11.77 *Prime*

Product Ads from External Websites (What's this?)

Sponsored Content Page 1 of 4



Vivant Skin Care BP 3 Percent Acne Wash  
★★★★★ (5)  
\$29.50  
+ Free Shipping



Vichy Normaderm Pore Unclogging Daily Scrub  
★★★★★ (9)  
\$19.00  
+ Free Shipping



mybody ERASE IT Clarifying and Anti-Aging Essentials  
\$190.00  
+ Free Shipping



Cor Silver The Silver Soap (120 g / 4.24 oz)  
★★★★★ (77)  
\$125.00  
No Shipping Info



Black Mud All Natural Facial Mask 3 oz Cream by Sea Minerals  
★★★★★ (2)  
\$6.69



Glymed Plus Cell Science Daily Repair Mega-Moisture Cream  
1.6 oz  
★★★★★ (6)



Peter Thomas Roth Max Complexion Correction Pads  
★★★★★ (137)  
\$40.00



Glymed Plus DNA Reset Face & Neck Cream  
\$131.00  
+ Free Shipping



Clarifying Mud Mask (6.5 Oz)  
\$12.99  
+ \$4.99 Est. shipping  
Abe's Market




 Dermstore

 Dermstore

 Dermstore

 EDC skincare

+ \$4.99 Est. shipping  
 Swanson Vitamins

\$74.00  
+ Free Shipping  
 ChosenMeds

+ Free Shipping  
 Dermstore

 Dr. Lin Direct

Ad feedback 

Customers viewing this page may be interested in these sponsored links (What's this?)

• Skin  - One-Of-A-Kind Styles Just For You! Stylish Design & Worldwide Shipping www.Society6.com/Society-6-Art

See a problem with these advertisements? [Let us know](#)

Customer Questions & Answers

Have a question? Ask the owners here 

Don't see what you're looking for? Submit your question to our community by clicking the 'Ask' button above

  
0  
votes  


How often do you use this product?

A: I use it anywhere from 1 - 3 times a week!  
Anne Gerro answered on February 10, 2015  
✖ See more answers (4)

  
0  
votes  


Should I use this before, after, or instead of washing my face?

A: I use it instead of washing my face but I only use it about 3 times a week  
Jaymie Holstead answered on January 22, 2015  
✖ See more answers (2)

  
0  
votes  


Is it ok to wash off in the sink, or is it known to clog drains?

A: it is fine to wash in the sink you just put it on thin and lightly its not big thick mud! absolutely love the product  
Uehorran Mayeun answered on October 18, 2014  
✖ See more answers (4)

  
0  
votes  


does this works on dark circles under eyes?

A: Hey I have used this for about 2 weeks for puffy eyes i don't have much dark circles .havent noticed much improvement yet but I think it's reducing the amount of puffiness when I wake up in the morning !  
Sheets answered on August 21, 2014

✖ See more answered questions (1)

Customer Reviews

☆☆☆☆☆ (227)  
4.6 out of 5 stars



See all 227 customer reviews »

My skin feels so smooth and soft after using it.

Candace Controulis

I LOVE the way my face feels after using Maple Holistics Dead Sea Mud Mask!

Princessgem22

It smells like lavender, which is very soothing.

abigail jo Foelker

Most Helpful Customer Reviews

7 of 7 people found the following review helpful

☆☆☆☆☆ **This Product Works**  
By LoreN on November 15, 2013

Verified Purchase  
This product is really good. I don't have acne, but I do have some problems with blackheads, bumps under the skin, and enlarged pores. I put this on and felt a tingling sensation and the mud mask really tightened. When I washed it off my skin was really dry and I needed to put some moisturizer on my face, but the enlarged pores were gone.

I noticed that the skin looked tighter and smoother, although a little red. The next morning my skin looked really good and the blackheads and bumps were gone. My skin seems to be lot smoother.

I've used masks before and they either didn't do anything or caused a rash. This product worked very well and was a completely safe and natural product. I'm going to send some to my daughter, who has cystic acne, and see how it works on her problems. The mud and herbs seems to pull toxins out of the skin, which might help with the acne.

The only negative was that I would have liked to have some information and instructions, whether I was supposed to put the mask on a wet or dry face and how long to leave it on.

2 Comments | Was this review helpful to you?

12 of 14 people found the following review helpful

☆☆☆☆☆ **ABSOLUTELY BEAUTIFULLLLLLLLLL!!!**  
By Elyee on August 24, 2013

Verified Purchase  
I was a bit hesitant to give my review but i cant hold it anymore its fantastic! I have moderate to severe acne and tried different kinds of dead sea mud mask but this product its so true. My acne has significantly cleared in a week. I will update you all as time goes on.

1 Comment | Was this review helpful to you?

3 of 3 people found the following review helpful

☆☆☆☆☆ **Mud mask of wonder**  
By L. Abel on December 29, 2013

Verified Purchase  
after trying the BEST Sage dandruff shampoo by Maple Holistic, decided to give this product a go. I LOVE IT..it takes some getting used to. recommend wetting face before applying mud..makes your skin feel like new..highly recommend..the purity of the products they make is not seen often

Comment | Was this review helpful to you?

3 of 3 people found the following review helpful

☆☆☆☆☆ **Favorite new face product.**  
By Candace Controulis on December 13, 2013

Verified Purchase  
This product is amazing. My skin feels so smooth and soft after using it. You do not have to use very much of it to get that effect. I will be ordering another when I am out of this one. The shipping was fast and efficient and the product is fantastic!

Comment | Was this review helpful to you?

3 of 3 people found the following review helpful

☆☆☆☆☆ **Great Mud Mask for all ages.**  
By H. Sawada on November 6, 2013

Verified Purchase  
I like the smell of this mud. The jar looks small but it goes long way. I usually need 25g mud to work on clients face. It works great on scensitive skin as well.

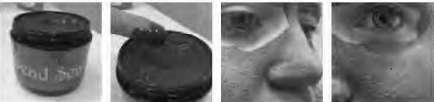
Comment | Was this review helpful to you?

3 of 3 people found the following review helpful

☆☆☆☆☆ **Buy it!**  
By smitten on April 1, 2015

Verified Purchase

Customer Images



See all customer images

Most Recent Customer Reviews

☆☆☆☆☆ **Five Stars**

good  
Published 7 days ago by Susan G Galschiott

☆☆☆☆☆ **I love it!**

I love it!! It has shrunk my big pores, cleared up black heads, and just make my skin overall smoother and just awesome looking! I love how it smells fabulous. [Read more](#)  
Published 18 days ago by Ashley brown

☆☆☆☆☆ **Overall it is a great mask for black head removal/ face peel**

Overall it is a great mask for black head removal/ face peel. I would not use it more often than once a week, because it is drying my skin, but i will add it to my weekly deep...  
[Read more](#)  
Published 20 days ago by Natalie

☆☆☆☆☆ **Amazing for oily skin!**

I have very oily skin, and I've been trying various masks to reduce the oil. This one is amazing—one of the best I've ever tried! [Read more](#)  
Published 27 days ago by Roseanne Miske

☆☆☆☆☆ **Absolutely amazing!**

This mask is the best thing I have ever used! I put it on and let it dry for about 10 minutes. While it was on my face didn't burn or anything. [Read more](#)  
Published 1 month ago by nicole

☆☆☆☆☆ **One Star**

very strong artificial smell.  
Published 1 month ago by Snow

☆☆☆☆☆ **Awesome!**

I got a free sample of this product through Maple Holistic's website. I knew I would like it because I love their shampoo and conditioners. [Read more](#)  
Published 1 month ago by Allison

☆☆☆☆☆ **Overall this is a good**

Face feels soft after using, the only problem I have is it gets stuck in my pores. I just had to splash water on my face a few extra times to get it out. [Read more](#)  
Published 1 month ago by sarah palmer

☆☆☆☆☆ **Five Stars**

Love the way my skin feels and looks after using it. It actually shrinks my pores.  
Published 1 month ago by MendyRenee

☆☆☆☆☆ **Nice Addition**

I wanted to wait a month to leave a review so I could actually see results but I ended up reviewing sooner. [Read more](#)  
Published 1 month ago by Stephanie D.

Verified Purchase

A small jar of AMAZING mud! A little amount of mud goes a long way! It literally gets in every pore and that is what I was looking for! I love the feeling of tightening up! Easy to use and easy to clean! Will buy again! It's cheap for Dead Sea mud and the quality is amazing. Pictures provided.



Comment Was this review helpful to you? Yes No

10 of 13 people found the following review helpful  
☆☆☆☆ The real deal, straight from Israel  
By Ron on June 4, 2013

I've been living in Israel most of my life, and have been using the mud since I was a teen. Im at the point where I can almost always tell if the mud is from the dead sea or not. This is, and I like this one in particular. When I buy mud masks I get this.

1 Comment Was this review helpful to you? Yes No

7 of 9 people found the following review helpful  
☆☆☆☆ Great product, looking forward to using it and seeing results  
By ME on December 13, 2013

Verified Purchase

I ordered this product because I have trouble skin (cystic acne, oily skin, and hyperpigmentation) so I am always trying different products that might be able to help out. I have tried dead sea products before such as the soap and actually liked the results. I tried this product the day I got it in the mail. Although it didn't have instructions on how to use it I have some common knowledge on what should and shouldn't be done just because I am always trying products for my skin.

I like this product because it dries up quickly after I put it on. I feel like this mask can be used for either a short amount of time or a longer amount of time, and that is exactly what I did. I actually gave my boyfriend a massage when I tried it so my mask was on for an hour. I also put the mask on his face when it was time to massage the front of his body so his mask was on for only 15 minutes. We both had similar thoughts about the product even though we both have different skin problems ( me acne, him a slight amount of wrinkles) and skin tone ( me dark skin, and he is white skin). He and I both felt like the product was working to better our skin. After washing the product off we both felt smoother and tighter skin instantly. Since I have acne the next day my skin had some small whiteheads, but it was due to the extraction effect the dead sea mud had on my skin. I had less breakouts that whole week. Since I have problem skin I am actually going to use it once a week for now, unless I read something about that not being beneficial. Overall great product, but I do wish instructions came with it ( although as I mentioned before for me it wasn't really a problem because I always experiment and do my own thing with skin care products anyway).

1 Comment Was this review helpful to you? Yes No

See all 227 customer reviews (newest first)

Write a customer review

Feedback

- If you have a question or problem, visit our **Help pages**.
- If you are a seller for this product and want to change product data, click **here** (you may have to sign in with your seller id).

**Disclaimer:** While we work to ensure that product information is correct, on occasion manufacturers may alter their ingredient lists. Actual product packaging and materials may contain more and/or different information than that shown on our Web site. We recommend that you do not solely rely on the information presented and that you always read labels, warnings, and directions before using or consuming a product. For additional information about a product, please contact the manufacturer. Content on this site is for reference purposes and is not intended to substitute for advice given by a physician, pharmacist, or other licensed health-care professional. You should not use this information as self-diagnosis or for treating a health problem or disease. Contact your health-care provider immediately if you suspect that you have a medical problem. Information and statements regarding dietary supplements have not been evaluated by the Food and Drug Administration and are not intended to diagnose, treat, cure, or prevent any disease or health condition. Amazon.com assumes no liability for inaccuracies or misstatements about products.



Discover beautiful things on Amazon, updated daily

SHOP

amazon

Alice's Amazon.com Today's Deals Gift Cards Sell Help

Spring Outlet Event

Shop by Department

Search All active mud for face and body

Q

Hello, Alice Your Account Try Prime Wish List Cart

All Beauty Luxury Beauty Makeup Skin Care Hair Care Fragrance Tools & Accessories Men's Grooming Best Sellers New Arrivals Sales & Special Offers

Back to search results for "active mud for face and body"



Roll over image to zoom in

## Wild Ferns Rotorua Mud Face and Body Mask with Manuka Honey and Lavender 680gr/23.99oz

by Wild Ferns

Be the first to review this item

Price: \$28.60 + \$3.95 shipping

Only 13 left in stock.

Ships from and sold by Koru Naturals: Gift-wrap available.

**Estimated Delivery Date:** Wednesday, April 15 when you choose Two-Day Shipping at checkout

- A deep cleansing face and body pack containing pure, mineral rich, therapeutic geothermal mud from Rotorua
- Helps heal, detoxify and purify the skin and leaves a feeling of general wellbeing
- Large size
- Also contains active manuka honey and lavender
- Cruelty free, paraben free, no mineral oil, allergy free

Share

Qty: 1

\$28.60 + \$3.95 shipping

In Stock. Sold by **Koru Naturals**



Add to Cart

Turn on 1-Click ordering for this browser

Ship to:

Alice Benmaman

Add to Wish List

### Frequently Bought Together



Price for both: \$45.65

Add both to Cart

Add both to Wish List

- These items are shipped from and sold by different sellers. Show details
- ☒ This item: Wild Ferns Rotorua Mud Face and Body Mask with Manuka Honey and Lavender 680gr/23.99oz \$28.60
  - ☒ Rotorua Mud, Calendula and Rosehip Oil New Zealand Facial Moisturiser \$17.05

Special Offers and Product Promotions

- Free shipping on Koru Naturals orders of \$35.00 or more Here's how (restrictions apply)
- Use Points:** Enroll your eligible American Express Card to use Membership Rewards points toward the purchase of this item. Terms and limitations apply. Learn more.

Sponsored Products Related To This Item (What's this?)



Niacinamide Vitamin B3 Cream Serum 5%-1 Oz - Visibly Tightens Pores, Re...

☆☆☆☆☆ (305)

\$19.97 Prime



Dead Sea Mud Mask - Spa's Premium HUGE 8oz Dead Sea Mud Mask for Face Fa...

☆☆☆☆☆ (179)

\$19.95 Prime



LAVO High Performance Volcanic Mud Mask - Best Natural Facial for ALL Sk...

☆☆☆☆☆ (208)

\$23.97 Prime



Introducing Revolutionary Product: A Luxury Anti Aging Treatment Formula...

☆☆☆☆☆ (366)

\$26.88



Omiera Labs Acduce -Acne Treatment, Acne, Acne Scars & Anti Aging, Anti W...

☆☆☆☆☆ (31)

\$96.39 Prime



Seaweed Powder - The Best Cellulite Treatment - Cellulite Remover PowerH...

☆☆☆☆☆ (161)

\$19.95 Prime



Caru Skincare - Activated Charcoal + Dead Sea Salt Organic Face Soap

☆☆☆☆☆ (28)

\$14.00



Top 3 Skin Care Products By Beau Visage Featuring Non Surgical Face Lift...

\$108.99



Youth Renewal Face Moisturizer 1 Oz Dr Recommended Alpha Hydroxy Acids U...

☆☆☆☆☆ (1)

\$29.97

Ad Feedback

Customers Who Viewed This Item Also Viewed



Rotorua Mud and Manuka Honey Facial Mask

☆☆☆☆☆ 6

\$19.60 Prime



Wild Ferns Rotorua Thermal Mud Face Pack 175ml x 1 [Personal Care]

\$26.40



Wild Ferns New Zealand Bee Venom Mask with Active Manuka Honey 50gr/1.76oz

☆☆☆☆☆ 3

\$29.99



InstalNatural Dead Sea Mud Facial Mask - Skin Cleanser, Pore Reducer & Natural Moisturizer...

☆☆☆☆☆ 1,299

\$27.75 Prime



Rotorua Thermal Mud with Kiwifruit Cleansing Mask

\$17.60

Important Information

**Ingredients**  
Aqua (Water), Talc, Kaolin, Rotorua Mud, Quaternium-18 Bentonite, Propylene Glycol, Hamamelis Virginia (Witch Hazel) Extract, Aloe Barbadensis Leaf Extract, Phenoxyethanol, Hydroxyethylcellulose, Mel (Honey), Diazolidinyl Urea, Iron Oxides, Alantoin, Ethylhexylglycerin, Fragrance, Tocopheryl Acetate, Lavandula Angustifolia (Lavender) Oil

**Directions**  
Avoiding the eye area, apply generously all over the face and body. Leave until partially dry, then rinse off with warm water. Use 1 - 2 times per week.

Product Description

Face and Body Mask with Manuka Honey and Lavender 680g/23.99oz. This is a deep cleansing face and body pack containing pure, mineral rich, therapeutic geothermal mud from Rotorua which helps heal, detoxify and purify the skin and leaves a feeling of general wellbeing. It is also blended with Lavender and active Manuka Honey. Lavender has a healing effect to assist skin health. Manuka Honey has powerful natural properties as well as valuable vitamins and minerals that assist with skin health. The larger quantity has a more fluid consistency in comparison to the Facial packs in this range. This allows for easy application over the entire body and helps provide a truly relaxing at home spa experience.

Product Details

**Product Dimensions:** 4.3 x 4.3 x 3.4 inches ; 1.5 pounds  
**Shipping Weight:** 2 pounds (View shipping rates and policies)  
**ASIN:** B00IE3BHNE  
**Average Customer Review:** Be the first to review this item  
**Amazon Best Sellers Rank:** #183,199 in Beauty (See Top 100 in Beauty)  
**Product Warranty:** For warranty information about this product, please click here  
Would you like to **give feedback on images** or **tell us about a lower price?**

Product Ads from External Websites (What's this?)

Sponsored Content Page 1 of 4

Wedderspoon Queen of The Hive Face Contour Mask with Manuka Honey...  
★★★★☆ (9)  
\$56.99  
+ Free Shipping  
MyNaturalMarket.com

Wedderspoon 100% Raw Organic Wild Rata Honey 17.6 oz (500 g)  
★★★★★ (15)  
\$14.95  
+ \$5.99 Est. shipping  
MyNaturalMarket.com

Ladies Day of The Dead Full Mask  
\$15.95  
+ \$9.95 Est. shipping  
CenturyNovelty  
accepts amazonpayments\*

Credentials Milk and Honey Firming Masque  
\$32.00  
+ Free Shipping  
Dermstore

European Clay Powder 6 oz Pwdr by NOW Foods  
★★★★★ (49)  
\$4.89  
+ \$4.99 Est. shipping  
Swanson Vitamins

Paula's Choice Shine Stopper Instant Matte Finish  
★★★★★ (2)  
\$23.00  
+ Free Shipping  
Dermstore

mybody NECK-CESSITY Anti-Aging Treatment Neck and Decolletage  
\$119.75  
+ Free Shipping  
Skincare Solutions Store

Rhonda Allison Rosacea/Sensitive Skin System  
\$75.00  
+ Free Shipping  
Spa Santa Cruz Skin Care  
accepts amazonpayments\*

Silk'n Blue  
★★★★★ (6)  
\$149.00  
No Shipping Info  
Silk'n Skinovations

Ad Feedback

Customers viewing this page may be interested in these sponsored links (What's this?)

- Buy Manuka Honey Online - Certified MGO NZ **Manuka Honey**. Fast Delivery, 10% Off First Order! [themanukashop.com/NZ-Manuka-Honey](http://themanukashop.com/NZ-Manuka-Honey)
- Wild Ferns Rotorua Mud - NZ Made **Rotorua Mud** Skincare Inspired by Nature, for Everyone [www.wildferns.co.nz/](http://www.wildferns.co.nz/)
- 73 Yr Grandma Looks 35 - Oz anti wrinkle tip. Docs say cheap alternative to facelift. [www.stemcollagen.com/](http://www.stemcollagen.com/)

See a problem with these advertisements? [Let us know](#)

Customer Questions & Answers

Have a question? Ask the owners here

Ask

- Typical questions asked about products:
- Is the item durable?
  - Is this item easy to use?
  - What are the dimensions of this item?

Customer Reviews

There are no customer reviews yet.

5 star

4 star

3 star

2 star

1 star

Share your thoughts with other customers

Write a customer review

Feedback

- ▶ If you have a question or problem, visit our **Help pages**.
- ▶ If you are a seller for this product and want to change product data, click **here** (you may have to sign in with your seller id).


**Disclaimer:** While we work to ensure that product information is correct, on occasion manufacturers may alter their ingredient lists. Actual product packaging and materials may contain more and/or different information than that shown on our Web site. We recommend that you do not solely rely on the information presented and that you always read labels, warnings, and directions before using or consuming a product. For additional information about a product, please contact the manufacturer. Content on this site is for reference purposes and is not intended to substitute for advice given by a physician, pharmacist, or other licensed health-care professional. You should not use this information as self-diagnosis or for treating a health problem or disease. Contact your health-care provider immediately if you suspect that you have a medical problem. Information and statements regarding dietary supplements have not been evaluated by the Food and Drug Administration and are not intended to diagnose, treat, cure, or prevent any disease or health condition. Amazon.com assumes no liability for inaccuracies or misstatements about products.

Your Recently Viewed Items and Featured Recommendations


Inspired by your browsing history









SALE! Argan Oil Shampoo, Sulfate Free  
★★★★★ (567)  
\$13.97 *Prime*




Natural Conditioner By Maple...  
★★★★★ (1,074)  
\$12.97 *Prime*











Natural Facial Serum for Women &...  
★★★★★ (82)  
\$11.77 *Prime*



Pure Clay Mask Treatment - 100% Natural  
★★★★★ (73)  
\$11.77 *Prime*



Joico Color Endure Violet...  
★★★★★ (15)  
\$14.53 *Prime*



View or edit your browsing history

Get to Know Us  
Careers  
Investor Relations  
Press Releases  
Amazon and Our Planet  
Amazon in the Community  
Amazon Devices

Make Money with Us  
Sell on Amazon  
Sell Your Services on Amazon  
Sell Your Apps on Amazon  
Become an Affiliate  
Advertise Your Products  
Self-Publish with Us  
Become an Amazon Vendor  
See all

Amazon Payment Products  
Amazon.com Rewards Visa Card  
Amazon.com Store Card  
Amazon.com Corporate Credit Line  
Shop with Points  
Credit Card Marketplace  
Amazon Currency Converter

Let Us Help You  
Your Account  
Shipping Rates & Policies  
Amazon Prime  
Returns & Replacements  
Manage Your Content and Devices  
Help

amazon.com

Australia	Brazil	Canada	China	France	Germany	India	Italy	Japan	Mexico	Netherlands	Spain	United Kingdom
AbeBooks Rare Books & Textbooks	ACX Audiobook Publishing Made Easy	AfterSchool.com Kids' Sports, Outdoor & Dance Gear	Alexa Automate Analytics for the Web	AmazonFresh Groceries & More Right To Your Door	Amazon Local Great Local Deals in Your City	Amazon Home Services Handpicked Pros. Happiness Guarantee	AmazonSupply Business, Industrial & Scientific Supplies	Amazon Web Services Scalable Cloud Computing Services	Audible Download Audio Books	BeautyBar.com Prestige Beauty Delivered	Book Depository Books With Free Delivery Worldwide	Casa.com Furniture, Storage & Everything Home
Comixology Thousands of Digital Comics	CreateSpace Indie Print Publishing Made Easy	Diapers.com Everything But The Baby	DPReview Digital Photography	East Dane Designer Men's Fashion	Fabric Sewing, Quilting & Knitting	Goodreads Book reviews & recommendations	IMDb Movies, TV & Celebrities	Junglee.com Shop Online in India	Kindle Direct Publishing Indie Digital Publishing Made Easy	Look.com Kids' Clothing & Shoes	MYHABIT Private Fashion Designer Sales	Shopbop Designer Fashion Brands
TeaMarket.com Match Activities for Kids & Schools	VineMarket.com Everything to Live Life Green	Wag.com Everything For Your Pet	Warehouse Deals Open-Box Discounts	Wouff Discounts and Shenanigans	Yoyo.com A Happy Place To Shop For Toys	Zappos Shoes & Clothing						



Roll over image to zoom in

Alaskan Glacial Mud Facial Mask - (Vanilla & Lavender)

by Alaska Glacial Mud  
☆☆☆☆☆ 80 customer reviews

Price: \$31.00 & FREE Shipping on orders over \$35. Details

Only 11 left in stock.  
Sold by SpaSourceOnline and Fulfilled by Amazon. Gift-wrap available.

Want it tomorrow, April 14? Order within 5 hrs 40 mins and choose One-Day Shipping at checkout. Details  
Scent Name: **Vanilla & Lavender**



- Detoxifies, exfoliates and softens skin with the most mineral-rich and pure glacial clay from Alaska
- More than 60 nourishing major and trace elements promote healthy skin cell regeneration
- Fantastic for all skin types, the masque is gentle and pH balanced and benefits all skin types
- Laboratory-tested, allergy free, paraben free, biodegradable, does not cause irritation
- Great on the face and body.

9 new from \$29.00

Share

Qty: 1

☐ Yes, I want FREE Two-Day Shipping with Amazon Prime

Add to Cart

Turn on 1-Click to order for this browser

Ship to:

Alice Benmaman

Add to Wish List

Other Sellers on Amazon

\$29.00  
+ \$4.99 shipping  
Sold by: Adele Enterprises

\$34.00  
& FREE Shipping on orders over \$35.00. Details  
Sold by: AMMSG Enterprises

\$34.00  
& FREE Shipping on orders over \$35.00. Details  
Sold by: Etalitz

9 new from \$29.00

Frequently Bought Together



Price for all three: \$49.99

Add all three to Cart

Add all three to Wish List

Show availability and shipping details

☒ This item: Alaskan Glacial Mud Facial Mask - (Vanilla & Lavender) \$31.00

- ☒ Mask Application Brush by Alaska Glacial Mud Company \$7.04
- ☒ Alaska Glacial Mud Co. Alaska Glacial Mud Soap - Lavender-Peppermint 4 fl oz - 4 fl oz \$11.95

Special Offers and Product Promotions

Scent Name: **Vanilla & Lavender**

- Your cost could be **\$0.00 instead of \$31.00!** Get a **\$70.00 gift card instantly** upon approval for the **Amazon.com Rewards Visa Card**. Apply now.

Sponsored Products Related To This Item (What's this?)

Niacinamide Vitamin B3 Cream Serum 5%- 1 Oz - Visibly Tightens Pores, Re...  
☆☆☆☆☆ (305)  
\$19.97 *Prime*

Dead Sea Mud Mask - Spa's Premium HUGE 8oz Dead Sea Mud Mask for Face Fa...  
☆☆☆☆☆ (179)  
\$19.95 *Prime*

LAVO High Performance Volcanic Mud Mask - Best Natural Facial for ALL Sk...  
☆☆☆☆☆ (208)  
\$23.97 *Prime*

Introducing Revolutionary Product: A Luxury Anti Aging Treatment Formula...  
☆☆☆☆☆ (366)  
\$26.88

Omiera Labs Acdue -Acne Treatment, Acne, Acne Scars & Anti Aging, Anti W...  
☆☆☆☆☆ (31)  
\$96.39 *Prime*

Seaweed Powder - The Best Cellulite Treatment - Cellulite Remover PowerH...  
☆☆☆☆☆ (161)  
\$19.95 *Prime*

Caru Skincare - Activated Charcoal + Dead Sea Salt Organic Face Soap  
☆☆☆☆☆ (28)  
\$14.00

Before or After Plastic Surgery or Botox Injections Kit, Including the 4...  
☆☆☆☆☆ (5)  
\$145.97 *Prime*

Top 3 Skin Care Products By Beau Visage Featuring Non Surgical Face Lift...  
\$108.99

Ad feedback

Customers Who Bought This Item Also Bought

Mask Application Brush by Alaska Glacial Mud Company  
☆☆☆☆☆ 24  
\$7.04 *Prime*

Alaska Glacial Mud Co. - Exfoliating Mineral Soap Bar - Bergamot, Lemongrass Mandarin...  
☆☆☆☆☆ 5  
\$11.95 *Prime*

Alaska Glacial Mud Co. Alaska Glacial Mud Soap - Lavender-Peppermint 4 fl oz - 4 fl oz  
☆☆☆☆☆ 11  
\$11.95 *Prime*

Lady Beauty Clear Green Slim Handle Mud Mask Face Brush  
☆☆☆☆☆ 15  
\$5.50 *Prime*

Glacial Raw Alaska Glacial Mineral Mud Powder  
☆☆☆☆☆ 2  
\$29.50 *Prime*

Alaskan Glacial Mud Facial Mask FREE APPLICATION BRUSH  
☆☆☆☆☆ 5  
\$35.95 - \$43.99

Important Information

- Indications**

Detoxifies and renews all skin types.
- Ingredients**

Glacial clay, glacial silt, kelp extract, nettle extract, horsetail extract, elderflower extract, yarrow extract, cranberry extract, blueberry extract, vitamin C and vitamin D5.
- Directions**

For all skin types. Apply a thin coat of mud mixture with facial brush or fingers. Allow to dry. Rinse with a washcloth and warm water

Product Description

Scent Name: Vanilla & Lavender

**FORMULA:** Made with the most mineral-rich and pure glacial clay in the world, sustainably hand-carved from the remote waters of the Copper River Delta in Alaska and enriched with a special combination of certified organic and wildcrafted botanical extracts from the Pacific Northwest that are chosen for their moisturizing, skin-softening, anti-aging and immunoprotective properties.

**BENEFITS:** Our glacial masque detoxifies, exfoliates and softens skin while more than 60 nourishing major and trace elements promote healthy skin cell regeneration. Gentle and balanced for all skin types. Laboratory-tested, allergy-free, does not cause irritation.

**ACTIVE INGREDIENTS:** Glacial clay and silt - exfoliating and detoxifying natural deposit with more than 60 nourishing major and trace elements, including Mg, Cu, Z, S, Ag, Si, Ca, Na, K and Fe that promote anti-aging, help skin hold moisture and form collagen resulting in radiant skin. Certified organic and wildcrafted botanical extracts including kelp, nettle, horsetail, elderflower, yarrow, cranberry, blueberry and vitamins e and b5.

Product Details

Scent Name: Vanilla & Lavender

**Product Dimensions:** 2.4 x 2.1 x 1.5 inches ; 3.5 ounces

**Shipping Weight:** 6.4 ounces (View shipping rates and policies)

**ASIN:** B000VHVW6S

**UPC:** 898762001027

**Average Customer Review:** ★★★★★ (80 customer reviews)

**Amazon Best Sellers Rank:** #80,013 in Beauty (See Top 100 in Beauty)

**Product Warranty:** For warranty information about this product, please click here

Would you like to [give feedback on images](#) or [tell us about a lower price?](#)

Customers Who Viewed This Item Also Viewed

 <p>Alaska Glacial Mud Facial Mask FREE APPLICATION BRUSH ★★★★★ 5 \$35.95 - \$43.99</p>	 <p>Alaska Glacial Mud Co. - Exfoliating Mineral Soap Bar - Bergamot, Lemongrass Mandarin... ★★★★★ 5 \$11.95 <i>Prime</i></p>	 <p>Glacial Raw Alaska Glacial Mineral Mud Powder ★★★★★ 2 \$29.50 <i>Prime</i></p>	 <p>Alaska Glacial Mud Co. - Alaska Glacial Mud Soap - Lavender-Peppermint 4 fl oz - 4 fl oz ★★★★★ 11 \$11.95 <i>Prime</i></p>	 <p>Invisiplug 6-Outlet Surge Protector with 2 USB Ports and 900 Joules Protection, Model... ★★★★★ 33 \$24.99 <i>Prime</i></p>	 <p>Mask Application Brush by Alaska Glacial Mud Company ★★★★★ 24 \$7.04 <i>Prime</i></p>
--	--	---	---	--	---

Product Ads from External Websites (What's this?)

Sponsored Content Page 1 of 4

 <p>Eminence Herbal Spot Serum ★★★★★ (22) \$48.00 + Free Shipping</p>	 <p>Natural Even Advanced Sea Kelp Facial Toner 6 fl oz Liquid ★★★★★ (74) \$6.99</p>	 <p>ClarityRx Rehab Mediterranean Detoxifying Mud Mask \$25.00 + Free Shipping</p>	 <p>Wakaya Perfection Dilo Cream ★★★★★ (2) \$100.00 + \$4.97 Est. shipping</p>	 <p>Weleda Sea Buckthorn Body Oil 3.4oz ★★★★★ (18) \$19.99 + \$4.95 Est. shipping</p>	 <p>MyChelle Dermaceuticals Oil Free Grapefruit Cream ★★★★★ (27) \$31.25</p>	 <p>Neem &amp; Shea Butter Skin Recovery Face Cream 2.3 oz Cream by Alaffia ★★★★★ (38) \$42.00 + Free Shipping</p>	 <p>Exuviance Purifying Clay Masque ★★★★★ (3) \$42.00 + Free Shipping</p>	 <p>Elemin Mineral Enriched Facial Mud Mask \$89.00 + \$4.49 Est. shipping</p>
--	---	---	---	--	---	---	--	---

<div>+ Free Shipping</div> <div> Dermstore</div>	<div>\$6.99</div> <div>+ \$4.99 Est. shipping</div> <div> Swanson Vitamins</div>	<div>+ Free Shipping</div> <div> Dermstore</div>	<div>+ \$4.87 Est. shipping</div> <div> WAKAYA PERFECTION</div>	<div>+ \$4.95 Est. shipping</div> <div> Pharmaca Integrative Pharmacy, Inc.</div>	<div>\$31.25</div> <div>+ Free Shipping</div> <div> Dermstore</div>	<div> Judaica Webstore</div> <div>(38)</div> <div>\$15.26</div> <div>+ \$4.99 Est. shipping</div> <div> Swanson Vitamins</div>	<div>+ Free Shipping</div> <div> Dermstore</div>	<div>+ \$4.49 Est. shipping</div> <div> Judaica Webstore</div>
--	--	--	---	---	---	--	--	--

Ad feedback

Customers viewing this page may be interested in these sponsored links (What's this?)

- Hydrating Face Masks

- Al-Natural Face Masks for All Skin Types. Fast Results & Free Shipping [www.mychelle.com/](#)
- Luxurious Facial

- Free Microdermabrasion With Any Facial - Call Today! [www.rejuvalase.com/](#)
- Lavender Vanilla: Cheap

- Health & Beauty Items You'll Love. See Savings for Lavender Vanilla! [www.healthlane.com/](#)

See a problem with these advertisements? [Let us know](#)

Customer Questions & Answers

Have a question? Ask the owners here

Ask

- Typical questions asked about products:
- Is the item durable?
  - Is this item easy to use?
  - What are the dimensions of this item?

Customer Reviews



My skin feels so soft, smooth, and refreshed after I use this mask.

butterflyw79

The mud is smooth and refreshing, and the unscented mask has a fresh, mild fragrance.

Cato

Saw this item on a Shark Tank rerun and I had to order the product.

Aviary32

See all 80 customer reviews

Most Helpful Customer Reviews

40 of 40 people found the following review helpful

☆☆☆☆☆ Harvested in beautiful Alaska. My wife and I love the masque!

By Big Red on February 15, 2015

Scent Name: Unscented

I first discovered Alaska Glacial Mud Co while watching ABC's Shark Tank, a show where entrepreneurs pitch their businesses to investors. I was intrigued.

Lauren, the founder of Alaska Glacial Mud, runs her mud business out of the small town of Cordova, Alaska, a quaint little city regarded as a hidden treasure. She's also a commercial salmon fisherwoman, and she runs the fishing boat all by herself from the photos I've seen. My wife and I agree Lauren is one tough cookie! We also say she's living the good life in beautiful Alaska.

I recently tried this exquisite mud masque, harvested from the soft, buttery mud banks of the Copper River Delta in Alaska. Between a serene, beautiful wilderness

Most Recent Customer Reviews

☆☆☆☆☆ Five Stars

great stuff!

Published 16 days ago by Jea

☆☆☆☆☆ Five Stars

So great. I love the way this makes my skin feel. Was delivered fast and great packaging!

Published 1 month ago by Jacquelyn

I recently tried this purifying mud masque, harvested from the soft, buttery mud banks of the Copper River Delta in Alaska. Picture a serene, beautiful wilderness landscape with flowing rivers and no signs of humankind - that's where your mud is coming from!

My wife and I love the masque! There are several different scents (I prefer the unscented) and you don't need to add water or do any mixing. It's ready to use when you open the jar, which is of very nice quality I might add. The jar is thick glass and feels solid in my hands. Nice packaging too.

The mud detoxifies and softens my skin, and I prefer to focus my application on and around my nose where my pores are biggest. The facial brush is a handy tool for even application if you'd rather not use your fingers. The mud is also allergy-free and doesn't cause irritation, which is key for me as I have sensitive skin. I have to be careful with creams and the like. After 15 minutes and then washing away, my skin feels soft and refreshed.

Comment Was this review helpful to you?

35 of 38 people found the following review helpful

☆☆☆☆☆ **My favorite mud mask.**

By Sarah D. on August 22, 2007

Scent Name: Unscented

I his mud has a luxurious texture and is a beautiful blue-green-gray color. I have used many masks and this is my favorite! It goes on easy, dries in about 15 minutes, and comes off cleanly. Sometimes I wear it to bed if I need a deep-pore cleanse. My skin always feels firmed, exfoliated and soft and doesn't dry it out like a purely clay mask. In fact, it even feels moisturized! I have combination skin with some sensitive areas. And I like that they do not use parabens or chemical fragrances - the ingredients are all natural with certified organic and wild-harvested botanical extracts. Definitely a winner!

Comment Was this review helpful to you?

35 of 39 people found the following review helpful

☆☆☆☆☆ **Wonderful brightening mud masque!**

By Frida on December 9, 2007

Scent Name: Vanilla & Lavender

I'm originally from Alaska and when I was home last summer I picked this up from About Face. It sat in my medicine cabinet for quite awhile until a lazy Sunday afternoon when I decided to give it a try. It is INCREDIBLE. It is luxurious and smells wonderful. When I rinsed it off, my skin was soft, firm, and glowing. It pulls out the stuff clogging my pores from way down deep and it is now an essential in my skin-care regimen.

I pamper my skin and I've tried a whole slew of products. The Glacial Facial Masque is hands-down one of the single best I've ever used.

Comment Was this review helpful to you?

15 of 15 people found the following review helpful

☆☆☆☆☆ **Best Facial Ever!!**

By Sarah Roberts on January 31, 2014

Scent Name: Lavender/Peppermint Verified Purchase

Shark Tank made a HUGE mistake by not making a deal with you. The product is so refreshing, clearly coming from pure sources. It was well worth the wait and I will definitely be a repeat customer.

Comment Was this review helpful to you?

15 of 16 people found the following review helpful

☆☆☆☆☆ **Excellent!**

By Im Soo on January 29, 2008

Scent Name: Lavender/Peppermint

I bought this face mask with the mask brush and have just finished my first trial - excellent! My face feels wonderfully silky and smooth and my skin firmer and glowing. The smell is very natural (and strong) so next time I might try the unscented version. This is definitely going to become a staple beauty product. Hopefully it lives up to the 20 applications per jar.

Comment Was this review helpful to you?

0 of 0 people found this following review helpful

☆☆☆☆☆ **Very nice product, lives up to hype completely**

Very nice product , lives up to hype completely. Awesome service from Amazon  
Published 1 month ago by dale

☆☆☆☆☆ **Five Stars**

Love this product!  
Published 2 months ago by CB Alpharetta

☆☆☆☆☆ **Five Stars**

I love this mask! It's my new favorite. It's not dry at all. I'll definitely reorder.  
Published 2 months ago by KLG

☆☆☆☆☆ **Five Stars**

Amazing!! Silky skin! Smells great too!  
Published 2 months ago by Britlany

☆☆☆☆☆ **Expensive, but Great Product!**

I ordered this because I was looking for a new mud mask. I had forgotten that this was a Shark Tank product. I bought it on Amazon, a bit pricey. [Read more](#)  
Published 3 months ago by L. Austin

☆☆☆☆☆ **Five Stars**

Loved it, would recommend to everyone.  
Published 3 months ago by Barbara Self

☆☆☆☆☆ **Loooove.**

I absolutely love this mask. It's so smooth and creamy. Saw it on Shark Tank and I'm happy I bought it. It makes your face so smooth!  
Published 3 months ago by Stephanie Zeigler

☆☆☆☆☆ **He has sensitive skin and is prone to breakouts so harsher products...**

Bought this after seeing it on Shark Tank. Have used it some but my teenage son has been using it on his skin. [Read more](#)  
Published 3 months ago by kreadsalot

Search Customer Reviews

☒ Search these reviews only

9 of 9 people found the following review helpful

☆☆☆☆☆ **Super Product!**

By Dean Barquin on December 10, 2012

Scent Name: LavenderPeppermint | Verified Purchase

I am an Esthetician and my clients love this product, just wish it came in larger sizes. Recommend this for anyone wanting to pamper themselves.

Comment | Was this review helpful to you?

7 of 7 people found the following review helpful

☆☆☆☆☆ **mud face**

By Vincent Martuzzi on March 17, 2014

Scent Name: Unscented | Verified Purchase

My wife uses it daily and says its just great. It has her face smoother and shining--my daughter has taken it from her and also uses it--now i have two muddy women.

Comment | Was this review helpful to you?

16 of 20 people found the following review helpful

☆☆☆☆☆ **Happy Face**

By L. Hurley on October 23, 2013

Scent Name: Unscented | Verified Purchase

What a great masquel!!!!There are mud masques and then there are mud masques. Glacial Facial Masque by Alaska Glacial Mud Company is the Tutankhamun of all mud masques. Have blemish? Slap on a bit of Alaskan mud, wait ten minutes (until it dries) then rinse. The next day your blemish will have disappeared or will at least be a lot smaller, (depending on the size of your blemish.)

Comment | Was this review helpful to you?

See all 80 customer reviews (newest first) ▾

Feedback

- If you have a question or problem, visit our **Help pages**.
- If you are a seller for this product and want to change product data, click **here** (you may have to sign in with your seller id).

**Disclaimer:** While we work to ensure that product information is correct, on occasion manufacturers may alter their ingredient lists. Actual product packaging and materials may contain more and/or different information than that shown on our Web site. We recommend that you do not solely rely on the information presented and that you always read labels, warnings, and directions before using or consuming a product. For additional information about a product, please contact the manufacturer. Content on this site is for reference purposes and is not intended to substitute for advice given by a physician, pharmacist, or other licensed health-care professional. You should not use this information as self-diagnosis or for treating a health problem or disease. Contact your health-care provider immediately if you suspect that you have a medical problem. Information and statements regarding dietary supplements have not been evaluated by the Food and Drug Administration and are not intended to diagnose, treat, cure, or prevent any disease or health condition. Amazon.com assumes no liability for inaccuracies or misstatements about products.

Your Recently Viewed Items and Featured Recommendations

Inspired by your browsing history



Rotorua Mud, Calendula and...

★★★★★ (1)

\$17.05

Natural Facial Serum for Women &...

★★★★★ (82)

\$11.77 *Prime*

SALE! Argan Oil Shampoo, Sulfate...

★★★★★ (567)

\$13.97 *Prime*

Natural Conditioner By Maple...

★★★★★ (1,074)

\$12.97 *Prime*

Pure Clay Mask Treatment - 100%

★★★★★ (73)

\$11.77 *Prime*

You viewed

View or edit your browsing history

- Get to Know Us

Careers

Investor Relations

Press Releases

Amazon and Our Planet

Amazon in the Community

Amazon Devices
- Make Money with Us

Sell on Amazon

Sell Your Services on Amazon

Sell Your Apps on Amazon

Become an Affiliate

Advertise Your Products

Self-Publish with Us

Become an Amazon Vendor

See all
- Amazon Payment Products

Amazon.com Rewards Visa Card

Amazon.com Store Card

Amazon.com Corporate Credit Line

Shop with Points

Credit Card Marketplace

Amazon Currency Converter
- Let Us Help You

Your Account

Shipping Rates & Policies

Amazon Prime

Returns & Replacements

Manage Your Content and Devices

Help

amazon.com

Australia Brazil Canada China France Germany India Italy Japan Mexico Netherlands Spain United Kingdom

**6pm**

Score deals on fashion brands

**Amazon Home Services**

Handpicked Pros Happiness Guarantee

**Comixology**

Thousands of Digital Comics

**IMDb**

Movies, TV & Celebrities

**TenMarks.com**

Math Activities for Kids & Schools

**AbeBooks**

Rare Books & Textbooks

**AmazonSupply**

Business, Industrial & Scientific Supplies

**CreateSpace**

Indie Print Publishing Made Easy

**Junglee.com**

Shop Online in India

**VineMarket.com**

Everything to Live Life Green

**ACX**

Audiobook Publishing Made Easy

**Amazon Web Services**

Scalable Cloud Computing Services

**Diapers.com**

Everything But The Baby

**Kindle Direct Publishing**

Indie Digital Publishing Made Easy

**Wag.com**

Everything For your Pet

**AfterSchool.com**

Kids' Sports, Outdoor & Dance Gear

**Audible**

Download Audio Books

**DPRview**

Digital Photography

**Look.com**

Kids' Clothing & Shoes

**Warehouse Deals**

Open-Box Discounts

**Alexa**

Actionable Analytics for the Web

**BeautyBar.com**

Prings Beauty Delivered

**East Dane**

Designer Men's Fashion

**MYHABIT**

Private Fashion Designer Sales

**Woodf**

Discounts and Shenanigans

**AmazonFresh**

Groceries & More Right To Your Door

**Book Depository**

Books With Free Delivery Worldwide

**Fabric**

Sewing, Quilting & knitting

**Shopbop**

Designer Fashion Brands

**Yoyo.com**

A Happy Place To Shop For Toys

**Amazon Local**

Great Local Deals in your City

**Casa.com**

Fishies, Storage & Everything Home

**Goodreads**

Book reviews & recommendations

**Soap.com**

Health, Beauty & Home Essentials

**Zappos**

Shoes & Clothing

Conditions of Use Privacy Notice Interest-Based Ads © 1996-2015 Amazon.com, Inc. or its affiliates



**To:** EIR NYC LLC ([chiipdocket@michaelbest.com](mailto:chiipdocket@michaelbest.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86496296 - SURF MUD - 032630-9004  
**Sent:** 4/13/2015 12:38:21 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **4/13/2015** FOR U.S. APPLICATION SERIAL NO. 86496296

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this link or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **4/13/2015** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

# **APPENDIX F**

**To:** EIR NYC LLC ([chiipdocket@michaelbest.com](mailto:chiipdocket@michaelbest.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86496296 - SURF MUD - 032630-9004  
**Sent:** 10/11/2015 3:11:01 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 86496296

**MARK:** SURF MUD

**\*86496296\***

**CORRESPONDENT ADDRESS:**

LUKE W. DEMARTE  
Michael Best & Friedrich LLP  
180 N Stetson Ave Ste 2000  
Chicago, IL 60601-6807

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** EIR NYC LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

032630-9004

**CORRESPONDENT E-MAIL ADDRESS:**

[chiipdocket@michaelbest.com](mailto:chiipdocket@michaelbest.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE: 10/11/2015**

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 86335393

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Alice Benmaman/  
Examining Attorney  
Law Office 116  
(571) 272-9126  
[alice.benmaman@uspto.gov](mailto:alice.benmaman@uspto.gov)

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** EIR NYC LLC ([chiipdocket@michaelbest.com](mailto:chiipdocket@michaelbest.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86496296 - SURF MUD - 032630-9004  
**Sent:** 10/11/2015 3:11:01 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **10/11/2015** FOR U.S. APPLICATION SERIAL NO.86496296

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this link or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

# **APPENDIX G**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

DUNN

Mailed: April 10, 2015

Opposition No. 91220510

*EIR NYC LLC*

*v.*

*Jason Coleman and Jason Anfield*

**Elizabeth A. Dunn, Attorney (571-272-4267):**

On April 9, 2015, the Board participated in the parties' discovery conference, which was conducted by phone. The participants were Luke DeMarte, attorney for Opposer, Nicholas Wells, attorney for Applicants, and Elizabeth Dunn, attorney for the Board.<sup>1</sup> Opposer requested the Board's participation in the conference to discuss whether adoption of ACR (accelerated case resolution) procedures would be appropriate in this proceeding.

At the beginning of the conference, the Board informed the parties that phone conferences may not be recorded, but an order summarizing the discussion would issue. The parties confirmed that there had been no prior communications between the parties, except as necessary to schedule the conference.

---

<sup>1</sup> TTAB attorneys Geoffrey McNutt and Michael Webster, and Opposer attorney Michelle Kouba, also attended the conference.

## RELATED PROCEEDINGS

As set forth in the institution order, the parties must notify the Board promptly in writing if they become parties to another Board proceeding, or a civil action, which involve related marks or issues of law or fact which overlap with this case.

## SETTLEMENT

Unlike the federal courts, the Board does not take an active role in promoting settlement. As discussed, because its jurisdiction is limited to registrability determinations, the Board's role in settlement is limited. The Board has no authority to enforce settlement provisions regarding the use of marks.

The Board is liberal in granting stipulations to suspend proceedings to allow settlement discussions, and is available to discuss whether prospective amendments to the opposed application or subject registration would be acceptable. Stipulations to suspend the proceeding should be filed promptly because, absent suspension, the Board expects the parties to adhere to the disclosure, discovery, and trial deadlines already set by the Board. *See Atlanta-Fulton County Zoo Inc. v. De Palma*, 45 USPQ2d 1858, 1859 (TTAB 1998) (“[I]t is well established that the mere existence of settlement negotiations alone does not justify a party's inaction or delay.”).

## PLEADED CLAIM

Opposer pleads priority of use and likelihood of confusion between the parties' marks as used on their respective goods. Applicant filed an answer denying the salient allegations of the notice of opposition.



Applicant's App. Serial No. 86335393 alleges bona fide intent to use	Opposer's App. Serial No. 86496296 alleges December 2012 first use dates
SURF MUD	SURF MUD
concealers for skin, face and body; cosmetic preparations for protecting the skin from the sun's rays; cosmetic sun-protecting preparations; cosmetic sun-screen preparations; waterproof sun-screen	non-medicated skin care preparations

Inasmuch as the marks are identical and the goods are related, the parties agreed that this proceeding likely will turn on the single issue of priority of use.

#### ACR (ACCELERATED CASE RESOLUTION) PROCEDURES

Inasmuch as this case goes forward only as to a very limited issue, the Board recommends adoption of ACR (accelerated case resolution) procedures. *Ballet Tech Foundation Inc. v. Joyce Theater Foundation Inc.*, 89 USPQ2d 1262, 1266 fn9 (TTAB 2008)(“ACR is a procedure akin to summary judgment in which parties can receive a determination of the claims and defenses in their case promptly, but without the uncertainty and delay typically presented by standard summary judgment practice. In order to take advantage of ACR, the parties must stipulate that, in lieu of trial, the Board can resolve any material issues of fact ... After the briefs are filed, the Board will issue a decision within fifty days, which will be judicially reviewable as set out in 37 CFR §2.145.”).

The Board informed the parties of basic information regarding the use of ACR procedures to expedite this proceeding, and the availability of ACR options set

forth on the TTAB's webpage at [www.uspto.gov](http://www.uspto.gov), and reviewed some common provisions. A sample ACR agreement is attached.

The parties may sign and file the agreement, or, if the parties wish to revisit the issue of ACR after they exchange initial disclosures and/or discovery responses, they should call Board Attorney Elizabeth Dunn. In addition, the Board will entertain any stipulations designed to save the parties time and money, such as stipulating to facts, agreeing to a shortened schedule of disclosure, discovery, and trial, and stipulating as to the admissibility of evidence.

#### ARRANGEMENTS FOR DISCLOSURE, DISCOVERY AND TRIAL

The scope of the pleadings determines the scope of discovery. See Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense...").

The parties are encouraged to reduce discovery expenses by expanding initial disclosures, and the parties are expected to promptly respond to discovery requests, and to consult Chapter 400 of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) (2014) before refusing to provide any requested information.

Since the parties are located in different countries, the parties are urged to confer early in discovery on the scheduling of any depositions, to give as much notice as possible of planned depositions, to list the subjects for deposition in some detail, and to bring up any issues which could result in a witness refusing to answer in advance of the depositions. As discussed, the Board attorney listed at the top of the order is available by phone to confer with the parties on contested discovery issues.

The parties remain free to stipulate to an abbreviated schedule or alternate forms of evidence. Absent such stipulation, the Board's current schedule and rules define applicable deadlines and evidentiary requirements.

**SCHEDULE REMAINS AS SET**

Absent an agreement by the parties to change the schedule, the schedule set forth in the Board's February 4, 2015 institution and trial order remains in effect.

Opposition No. 91220510

Opposition/Cancellation No.

Plaintiff [insert name]

v.

Defendant [insert name]

**AGREEMENT FOR ACCELERATED CASE RESOLUTION**  
(U.S. parties, both represented by counsel, no counterclaim)

The parties, in order to obtain a decision on the merits of their claims and defenses on an expedited basis, agree to the following ACR (accelerated case resolution) procedures, as indicated by the signatures of the parties' attorneys. The terms are binding from the date of signature. The dates listed herein run from the date the Board approves this agreement.

**COMMUNICATIONS**

The parties will provide each other with a current phone number and email address, and will regularly check both phone and email for messages related to this proceeding.

The parties will use ESTTA for Board filings.

The parties will serve each other by email.

Upon the Board's initiative, the parties may use email to the assigned Board attorney for scheduling phone conferences with the Board or submitting papers necessary to facilitate a phone conference. Email shall NOT be used for Board filings.

The parties will modify this ACR agreement by stipulation.

Where stipulation is not feasible, and this has been confirmed by communication between the parties, the parties will use email or phone to request a phone conference with the Board to resolve contested matters, providing the Board with two options for scheduling the conference.

As necessary, the Board may reset the schedule set forth in this order to reflect motions practice or extensions, but whenever possible, the Board will rule on motions at the conference with the parties, without a change in the schedule. The Board's oral rulings will be followed by a summary order.

#### DISCOVERY CONFERENCE

If the discovery conference was not conducted separately, the discussion which led to the filing of this ACR agreement is the substitute for the discovery conference.

#### DISCLOSURES

Within TEN DAYS, the parties will serve initial disclosures.

The parties agree that no expert testimony or reports will be offered, so no expert disclosures will be scheduled.

The parties waive pretrial disclosures.

#### DISCOVERY SCHEDULE

Within TWENTY DAYS, the parties will serve each other with a proposed stipulation of facts. Inasmuch as this serves the same purposes as requests for admission, the parties agree no requests for admission will be served.

Within THIRTY DAYS, the parties will serve each other with discovery requests. There shall be no more than twenty-five each of interrogatories and requests for the production of documents.

Within FORTY-FIVE DAYS, the parties will serve discovery responses.

Within SIXTY DAYS, the parties will serve notice of, and take, no more than two discovery depositions, and discovery will close.

Within SIXTY DAYS, the parties will serve any motions to compel, requesting a conference with the Board as indicated above.

Within SEVENTY-FIVE DAYS, the parties will file the joint stipulation of facts.

#### TRIAL AND BRIEFING

The parties agree to forego trial, and stipulate that they will file ACR briefs with accompanying evidence on the schedule set forth below, and these filings will be treated as the final record and briefs.

No notice of reliance is necessary, and the parties may submit material usually filed with a notice of reliance (pleaded registrations, third party registrations, written disclosures or disclosed documents, discovery responses, documents produced in discovery, Internet evidence, printed publications and official records), by submitting the evidence with the ACR brief.

The parties reserve the right to object to evidence on substantive grounds such as competency, relevancy or materiality, or the weight to be accorded particular items of evidence.

The parties agree to forego motions to strike and will raise evidentiary issues in their ACR briefs.

The parties may submit declarations or affidavits in lieu of testimony depositions, subject to the right of the other party to seek cross-examination.

Failure to seek cross-examination does not preclude the other party from arguing in its ACR brief that the declaration or affidavit is inconsistent, lacks corroborative detail, or otherwise merits little evidentiary weight.

Where oral depositions are conducted, the parties may participate by electronic means (the witness must appear in person for administration of the oath).

#### TRIAL AND BRIEFING SCHEDULE

Plaintiff's notices of deposition served	Within FIFTEEN DAYS of close of discovery
Plaintiff's trial depositions conducted:	Within TWENTY DAYS of the close of discovery
Plaintiff's ACR brief and evidence, including transcripts, filed	Within THIRTY DAYS of the close of discovery
Defendant's notices of deposition served	Within FIFTEEN DAYS of service of plaintiff's ACR brief and evidence
Defendant's trial depositions conducted	Within TWENTY DAYS of service of plaintiff's ACR brief and evidence
Defendant's ACR brief and evidence, including transcripts, filed	Within THIRTY DAYS of service of plaintiff's ACR brief and evidence

Plaintiff's notices of deposition served	Within FIVE DAYS of service of defendant's ACR brief and evidence
Plaintiff's rebuttal depositions conducted	Within TEN DAYS of service of defendant's ACR brief and evidence
Plaintiff's ACR reply brief and evidence, including transcripts, filed	Within FIFTEEN DAYS of service of defendant's ACR brief and evidence

The parties may request an oral hearing pursuant to Trademark Rule 2.129(a).

#### DECISION

The parties agree that the Board will expedite determination of this matter, generally issuing a final decision on the merits within fifty days of the due date for the reply brief or the oral hearing (if one has been requested), and will decide it in accordance with the evidentiary burden at trial, that is, by preponderance of the evidence. The Board will decide disputed facts as part of the final decision.

#### APPEAL

The Board's decision in this ACR proceeding is final, and judicially reviewable as set forth in Trademark Rule 2.145.

<hr/> Attorney for plaintiff Signature and date	<hr/> Attorney for defendant Signature and date
--	--